





607898

B I L L S,

PUBLIC:

SEVEN VOLUMES.

— (2.) —

EAST INDIA HOME GOVERNMENT (APPOINTMENTS)

TO

GOVERNMENT OFFICERS (SECURITY).

Session

5 February — 13 August 1875.

VOL. II.

1875.

B I L L S .

1875.

SEVEN VOLUMES:—CONTENTS OF THE

SECOND VOLUME.

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A

B I L L

TO

Amend the law relating to the appointment of certain persons who entered the employment of the Home Government of India before the thirty-first day of December one thousand eight hundred and seventy-four.

A.D. 1875.

WHEREAS by the sixteenth section of the Act of the twenty-first and twenty-second years of the reign of Her Majesty, chapter one hundred and six, it is provided that after the first formation of the permanent establishment of the Secretary of State for India in Council the Order of Her Majesty in Council of the twenty-first day of May one thousand eight hundred and fifty-five, or such other regulations as might be from time to time established by Her Majesty, for examinations, certificates, probation, or other tests of fitness in relation to appointments to junior situations in the civil service should apply to such appointments on the said establishment :

And whereas it appears that persons have been appointed to junior situations on the said establishment who ought in pursuance of the sixteenth section of the said Act, and the Order in Council and regulations therein referred to, to have obtained previous to their appointment certificates from the Civil Service Commissioners, but through inadvertence on the part of the Secretary of State in Council, and without any default of the persons so appointed, no steps were taken before their appointment to procure for them such certificates :

And whereas it is unjust that the persons so appointed should be deprived of any rewards or advantages which they were led to expect at the time when they entered the said establishment :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

[Bill 272.]

A

A.D. 1875.

Secretary of
State for
India may
make orders
as to persons
appointed
without cer-
tificate from
Civil Service
Commis-
sioners.

1. The Secretary of State for India in Council may, if he thinks fit, at any time before the first day of January one thousand eight hundred and seventy-six, declare by order or warrant that any person who has been appointed to a junior situation on the said establishment without a certificate from the Civil Service Commissioners, after the first formation of the said establishment and before the thirty-first day of December one thousand eight hundred and seventy-four, was so appointed through inadvertence on the part of the Secretary of State for India in Council, and without any default on the part of the person so appointed; and every person with respect to whom such order or warrant may be issued shall be in the same position as regards his claim to all salaries, superannuation allowances, or gratuities, emoluments, or advantages whatsoever, as he would have been in if he had obtained previous to his appointment a certificate from the Civil Service Commissioners. 5 10 15

Order to be
laid before
Parliament.

Any order or warrant made in pursuance of this Act shall be laid before both Houses of Parliament within fourteen days after the meeting thereof if Parliament be sitting, and if Parliament be not sitting, then within fourteen days after the next meeting thereof. 20

The Secretary of State for India in Council shall cause to be laid before Parliament, not later than the expiration of one month after the commencement of the session in Parliament in the year one thousand eight hundred and seventy-six, a return showing the names of all persons with respect to whom any order or warrant has been issued in pursuance of this section, together with the situations to which they have been appointed. 25

East India Home Go-
vernment (Appoint-
ments).

A

B I L L

To amend the law relating to the ap-
pointment of certain persons who
entered the employment of the Home
Government of India before the thirty-
first day of December one thousand
eight hundred and seventy-four.

*(Prepared and brought in by
Mr. Baikes, Lord George Hamilton,
and Mr. William Henry Smith.)*

*Ordered, by The House of Commons, to be Printed,
27 July 1875.*

[Bill 272.]

Under 1 oz.

A

B I L L

TO

Provide Pension or Superannuation Allowance in certain cases A.D. 1875.
for persons employed in the Home Government of India.

WHEREAS under the Act of the Twenty-First and Twenty-Second years of the reign of Her Majesty, Chapter One Hundred and Six, and under the Act of the Thirty-Second and Thirty-Third years of the reign of Her Majesty, Chapter Ninety-Seven, no provision
5 is made for the payment of pension or superannuation allowance to certain persons employed in the service of Her Majesty in this country in the Home Government of India, and it is expedient that the law be amended in that respect :

And whereas the superannuations and pensions payable to the
10 officers on the establishment of the Secretary of State for India are now regulated by the sections of statutes recited in the schedule to this Act :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and
15 Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. Every person appointed to any office in England by Her Majesty under the first-mentioned Act, or by the Secretary of State for India under the secondly-mentioned Act, or by the Auditor
20 appointed under section fifty-two of the first of the said Acts, and paid out of the revenues of India, shall be entitled, unless provision for pension or superannuation allowance has been otherwise made in his case by the said Acts, to the like pension or superannuation allowance as an officer on the establishment of the Secretary
25 of State for India in Council under section eighteen (hereafter in the schedule to this Act recited) of the Act of the Twenty-First and Twenty-Second years of the reign of Her Majesty, Chapter One Hundred and Six, and for the purposes of the present

Persons appointed to offices in England and paid out of revenues of India to be entitled to pensions.

[Bill 74.]

A

A.D. 1875. Act, the second and fourth sections (hereafter respectively recited) of the Act of the Twenty-Second year of the reign of Her Majesty, Chapter Twenty-Six, and the first section (hereafter recited) of the Act of the Twenty-Third and Twenty-Fourth years of the reign of Her Majesty, Chapter Eighty-Nine, shall be deemed to be the "Acts for 5 the time being in force concerning superannuations" in the said section eighteen of the Act of the Twenty-First and Twenty-Second years of the reign of Her Majesty, Chapter One Hundred and Six, mentioned; and the said fourth section shall be deemed, for the purposes of this Act, to extend and apply to the case of the actual 10 holder of an office, or of any one of a class of offices, at the date of an order or warrant, being a person with such professional or other peculiar qualifications and appointed at such an age, as in that section mentioned, and without reference to his successors in office.

Powers of
Treasury to
be exercised
by Secretary
of State for
India.

2. For the purposes of this Act the powers given to the Com- 15 missioners of the Treasury in the above-mentioned second and fourth sections of the Act passed in the Twenty-Second year of the reign of Her Majesty, Chapter Twenty-Six, shall be exercised by the Secretary of State in Council.

A.D. 1875.

SCHEDULE.

SECTION XVIII., 21 & 22 Vict. c. 106.

It shall be lawful for Her Majesty, by warrant countersigned as aforesaid, to grant to any such secretary, officer, or servant as aforesaid, retained
 5 on such last-mentioned establishment, such compensation, superannuation, or retiring allowance on his ceasing to hold office as might have been granted to him if this Act had not been passed, and the transfer of any person to the service of the Secretary of State in Council shall be deemed to be a continuance of his previous appointment or employment, and shall not prejudice
 10 any claims which he might have had in respect of length of service if his service under the said company or commissioners had continued; and it shall be lawful for Her Majesty, by warrant countersigned as aforesaid, to grant to any secretary, officer, or servant appointed on the said establishment after the first formation thereof such compensation, superannuation, or retiring allow-
 15 ance as, under the Act of the session holden in the fourth and fifth years of King William the Fourth, chapter twenty-four, or any other Act for the time being in force concerning superannuations and other allowances to persons having held civil offices in the public service, may be granted to persons appointed on the establishment of one of Her Majesty's Principal Secretaries
 20 of State.

SECTION II., 22 Vict. c. 26.

Subject to the exceptions and provisions herein-after contained, the superannuation allowance to be granted after the commencement of this Act to persons who shall have served in an established capacity in the permanent civil
 25 service of the state, whether their remuneration be computed by day pay, weekly wages, or annual salary, and for whom provision shall not otherwise have been made by Act of Parliament, or who may not be specially excepted by the authority of Parliament, shall be as follows; (that is to say,)

To any person who shall have served ten years and upwards, and under
 30 eleven years, an annual allowance of ten sixtieths of the annual salary and emoluments of his office:

For eleven years, and under twelve years, an annual allowance of eleven sixtieths of such salary and emoluments:

And in like manner a further addition to the annual allowance of one sixtieth
 35 in respect of each additional year of such service, until the completion of a period of service of forty years, when the annual allowance of forty sixtieths may be granted; and no addition shall be made in respect of any service beyond forty years:

Provided always, that if any question should arise in any department of the
 40 public service as to the claim of any person or class of persons for superannuation under this clause, it shall be referred to the Commissioners of the Treasury, whose decision shall be final.

A.D. 1875.

SECTION IV., 22 Vict. c. 26.

It shall be lawful for the Commissioners of the Treasury from time to time, by any order or warrant, to declare that for the due and efficient discharge of the duties of any office or class of offices to be specified in such order or warrant, professional or other peculiar qualifications, not ordinarily to be 5 acquired in the public service, are required, and that it is for the interest of the public that persons should be appointed thereto at an age exceeding that at which public service ordinarily begins: and by the same or any other order or warrant to direct that when any person now holding or who may hereafter be appointed to such office or any of such class of offices shall retire from the 10 public service, a number of years not exceeding twenty, to be specified in the said order or warrant, shall, in computing the amount of superannuation allowance which may be granted to him under the foregoing section of this Act, be added to the number of years during which he may have actually served, and also to direct that in respect of such office or class of offices the 15 period of service required to entitle the holders to superannuation may be a period less than ten years, to be specified in the order or warrant; and also to direct that, in respect of such office or class of offices, the holder may be entitled to superannuation, though he may not hold his appointment directly from the Crown, and may not have entered the service with a certificate from 20 the Civil Service Commissioners: Provided always, that every order or warrant made under this enactment shall be laid before Parliament.

SECTION I., 23 & 24 Vict. c. 89.

Whenever any person shall have been transferred from any situation or employment in the permanent civil service entitling him to superannuation 25 allowance under the Superannuation Act, 1859, to any situation or employment in the office of the Secretary of State for India, entitling him to superannuation allowance under section eighteen of the "Act for the better Government of India," twenty-one and twenty-two Victoria, chapter one hundred and six, or whenever any person shall have been transferred from any such last-mentioned 30 to any such first-mentioned situation or employment, such person shall be entitled to superannuation allowance calculated on his whole service according to the provisions of the Superannuation Act aforesaid, and such allowance shall be paid out of the revenues of India and out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, or out of moneys voted by Parlia- 35 ment, in such portions respectively as shall have been earned by such person in the respective services aforesaid.

**East India Home
Government (Pensions).**

A

B I L L

To provide Pension or Superannuation
Allowance in certain cases for persons
employed in the Home Government
of India.

*(Prepared and brought in by
Lord George Hamilton
and Mr. William Henry Smith.)*

*Ordered, by The House of Commons, to be Printed
25 February 1875.*

[Bill 74.]

Under 1 oz.

A
B I L L

TO

Amend the Act of the twenty-ninth and thirtieth years of Her Majesty, chapter one hundred and eleven, relating to the Ecclesiastical Commissioners for England.

A.D. 1875.

WHEREAS by the eleventh section of the Act of the twenty-ninth and thirtieth years of Her Majesty, chapter one hundred and eleven, it was enacted that it should be lawful for the Ecclesiastical Commissioners for England (herein-after called “the Commissioners”) to carry over to the account of their common fund, by such instalments as in the same section mentioned, a total sum not exceeding one million sterling, the produce of such sales as are therein referred to, and to apply and appropriate the said sum, subject to the proviso contained in the said section, as part of their common fund :

And whereas, in conformity with the provisions of the said section, the Commissioners have duly carried over the sum of one million sterling, the produce of such sales as aforesaid, to the account of the said common fund by instalments of one hundred thousand pounds each, in each of the years from one thousand eight hundred and sixty-six to the present year inclusive, and have applied and appropriated the same as part of the same fund :

And whereas, with the view of further carrying into effect the objects stated in the same section, it is expedient that the Commissioners should be authorised to apply and appropriate in like manner a further sum of one million sterling :

Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. It shall be lawful for the Commissioners to carry over, by such instalments as are herein-after mentioned, to the account of their common fund, and to apply and appropriate as part thereof, a

Power to
Commis-
sioners to
carry over to

[Bill 266.]

2 *Ecclesiastical Commissioners Act Amendment.* [38 & 39 VICT.]

A.D. 1875. total sum not exceeding *one million* sterling, the produce of sales
common fund effected or to be effected under the authority of the sixth section
1,000,000*l.*, of the Act of the sixth and seventh years of Her Majesty, chapter
the produce thirty-seven.
of sales.

To be carried 2. Such last-mentioned sum of one million sterling shall be so 5
over by carried over to the common fund by annual instalments not
annual exceeding *one hundred thousand pounds* in any one year, com-
instalments. mencing with the year one thousand eight hundred and seventy-
six.

Short title. 3. This Act may be cited for all purposes as “The Ecclesiastical 10
“ Commissioners Act, 1875,” and the said Act of the twenty-ninth
and thirtieth years of Her Majesty may be cited for all purposes as
“ The Ecclesiastical Commissioners Act, 1866.”

Ecclesiastical Commis- sioners Act Amendment.

A

B I L L

To amend the Act of the twenty-ninth
and thirtieth years of Her Majesty,
chapter one hundred and eleven, re-
lating to the Ecclesiastical Commis-
sioners for England.

(Prepared and brought in by
*Mr. Secretary Cross, Sir Henry Selwin-Ibbetson,
and Mr. Cubitt.*)

*Ordered, by The House of Commons, to be Printed,
26 July 1875.*

[Bill 266.]

Under 1 oz.

A

B I L L

FOR

Transferring to the Ecclesiastical Commissioners for England certain Estates now vested in the Fen Chapel Trustees, and to make the Acts relating to the said Commissioners applicable thereto. A.D. 1875.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 **1.** From and after the *commencement of this Act* there shall be transferred to and vested in the Ecclesiastical Commissioners for England, subject to the provisions of this Act, all the estates, property, funds, and moneys of the trustees constituted under the several Acts specified in the schedule to this Act (subject to any
- 10 mortgages subsisting at the commencement of this Act), and all the powers, duties, and liabilities of the said trustees under the said Acts shall cease and be extinguished, and the patronage of the several chapelries or benefices erected or constituted under the said Acts shall be vested in the bishop of the diocese.
- 15 **2.** The several houses, glebe lands, and hereditaments at the commencement of this Act vested in the several ministers or incumbents for the time being of any chapels erected under the authority of the said Acts shall continue to be so vested, and the site and chancel of any such chapel and any burial ground attached
- 20 thereto shall be vested in the minister or incumbent thereof for the time being as his freehold; and the said Commissioners shall, out of the estates and property vested in them under this Act, or out of their common fund, settle and assure, in such manner as they think fit, for the several ministers or incumbents for the time
- 25 being of the said chapels, such stipends, additional glebes, or other provision as they think fit for their maintenance, and for repair of the chancels of the several chapels; and, subject to the provisions
- [Bill 173.]

Powers and estates transferred to the Ecclesiastical Commissioners.

As to endowments of chapels.

A.D. 1875. of this section, all the said estates and property, and the proceeds or profits thereof, shall be carried to and form part of the common fund of the Commissioners, and be applicable accordingly ; and any directions contained in the said Acts with respect to the management or application thereof shall not be binding on the Commissioners 5 otherwise than is provided by this Act.

Separate districts.

3. The powers conferred by the Acts relating to the Ecclesiastical Commissioners for England with respect to the formation of separate districts, or to the formation into separate benefices of medieties or portions of a parish or benefice in which there are two or more 10 incumbents, shall extend to the formation of separate districts or new parishes and benefices in any parish in which a chapel has been erected under the said Acts,

Saving of existing interests.

4. No act done or appointment made by the trustees under the said Acts before the commencement of this Act shall be invalidated 15 by reason of anything in this Act. Any deed, instrument, or writing referring to the said trustees shall, after the commencement of this Act, have effect as if it referred to the Ecclesiastical Commissioners for England. No interest vested in any person at the commencement of this Act shall be affected by anything in this 20 Act. Any suit or proceeding which but for this Act might have been commenced or continued against the said trustees in respect of anything done or omitted by them under the provisions of the said Acts before the commencement of this Act may be commenced or continued against the said Commissioners, and any suit or pro- 25 ceeding which but for this Act might have been commenced or continued by the said trustees may be commenced or continued by the said Commissioners.

Commencement and short title of Act.

5. This Act shall commence and come into operation on the *first day of January one thousand eight hundred and seventy-six*, and may 30 be cited for all purposes as the Ecclesiastical Commissioners (Fens Chapels) Act, 1875.

SCHEDULE.

42 Geo. 3. c. 108.

50 Geo. 3. c. 129.

58 Geo. 3. c. xlvi. of the Local and Personal Acts.

Ecclesiastical Commis- sioners (Fen Chapels).

A

B I L L

For transferring to the Ecclesiastical Commissioners for England certain Estates now vested in the Fen Chapel Trustees, and to make the Acts relating to the said Commissioners applicable thereto.

*(Prepared and brought in by
Mr. Edward Stanhope, Mr. Spencer Walpole,
and Mr. Malcolm.)*

*Ordered, by The House of Commons, to be Printed,
13 May 1875.*

[Bill 173.]

Under 1 oz.

Ecclesiastical Fees Redistribution Bill. [H.L.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
 2. Bishops secretaries, &c. to hold office subject to alterations.
 3. Secretaries, &c. to make returns.
 4. Penalty for not making returns, &c.
 5. Orders may be made as to payments to Fee Fund.
 6. Payments out of Fee Fund.
 7. Certain fund to be paid over to the Ecclesiastical Commissioners.
 8. Statement of Fee Fund.
 9. Publication of orders.
 10. Provisions as to Vicar-General of the Province of York.
 11. Duration of Act.
-

A

B I L L

INTITULED

An Act to make provision for the Redistribution of certain Ecclesiastical Fees. A.D. 1875.

WHEREAS by an Act of the seventh and eighth year of the reign of Her Majesty, chapter sixty-eight, it is provided that the registrar of every court exercising ecclesiastical jurisdiction, and the registrar of every vicar-general or diocese, shall on or before
5 the twentieth day of January in every year transmit to one of Her Majesty's Principal Secretaries of State a true account in writing of the gross and net amounts of all such fees, allowances, gratuities, perquisites, and emoluments respectively as shall have been received or become due in the year ending the fifth day of January in such year
10 on account of the judge of such court or vicar-general or on account of such registrar or (except of surrogates) of any other officer, clerk, or minister of such court or registry by virtue of his office or employment :

7 & 8 Vict.
c. 68. s. 2.

And whereas by the Act of the tenth and eleventh year of the
15 reign of Her Majesty, chapter ninety-eight, it is provided that every person appointed after the passing of the Act of the sixth and seventh year of King William the Fourth, chapter seventy-seven (except as regards the Prerogative Court of Canterbury), or who should be appointed after the passing of the said Act of the tenth
20 and eleventh year of the reign of Her Majesty, to the office of judge, registrar, or other officer of any ecclesiastical court in England, should hold the same subject to all regulations and alterations affecting the same which might thereafter be made by authority of Parliament; and it is further provided that no person
25 by his appointment to any such office should acquire any claim or title to compensation in case the same should be thereafter altered or abolished by Act of Parliament :

10 & 11 Vict.
c. 98. s. 9.

And whereas it is expedient to extend the provisions of the said Acts as regards ecclesiastical offices, and to make provision for the
30 redistribution of certain ecclesiastical fees :

[Bill 258.]

A 2

A.D. 1875.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by and with the authority of the same, as follows :

Short title.

1. This Act may be cited as the Ecclesiastical Fees Act, 5 1875.

Bishops
secretaries,
&c. to hold
office subject
to alterations.

2. Every person who shall be appointed after the passing of this Act to the office of secretary, apparitor, seal keeper, or other officer employed in the transaction of official business, by any archbishop or bishop holding a see in England, whether such office be or be not an office in any ecclesiastical court in England, shall hold the same subject to all regulations and alterations affecting the same, or affecting the fees receivable in respect thereof, which may hereafter be made by authority of Parliament, nor shall any person by his appointment to any such office acquire any claim or title to compensation in case the same be hereafter altered or abolished by Act of Parliament; provided that nothing contained in this section shall be construed to give to any person appointed before the passing of this Act to any of the said offices any right as to tenure of office, or any claim or title to compensation, not possessed by him before the passing of this Act. 15 20

Secretaries,
&c. to make
returns.

3. Every person who shall after the passing of this Act be appointed to any of the offices mentioned in the last preceding section shall on or before the twentieth day of January in every year transmit to one of Her Majesty's Principal Secretaries of State a true account, in writing, of the gross and net amounts of all such fees, allowances, gratuities, perquisites, and emoluments as shall have been received by him or become due to him in the year ending the fifth day of January in such year by virtue of his office or employment. 25

Penalty for
not making
returns, &c.

4. In case any person required by the said recited Act of the seventh and eighth year of the reign of Her Majesty, or by this Act, to transmit to one of Her Majesty's Principal Secretaries of State an account in manner aforesaid, shall fail to transmit such account within the time appointed, or shall wilfully make any misstatement in such account as to the amount of fees, allowances, gratuities, perquisites, or emoluments received by him or due to him as aforesaid, he shall be liable to a penalty of twenty pounds, to be recoverable at the suit of the Ecclesiastical Commissioners for England, by action brought by the secretary of the said Commissioners against the party offending, and the amount so recovered shall be applied by the said Commissioners for the purposes of their Common Fund. 30 35 40

5. Until any such regulations or alterations as are mentioned in the said recited Act of the tenth and eleventh year of the reign of Her Majesty, or in this Act, shall be made by authority of Parliament, it shall be lawful for the Archbishop of Canterbury, the Lord High Chancellor, the Archbishop of York, and the Lord Chief Justice of England, or any three of the said persons, one of them being the Lord High Chancellor or the Lord Chief Justice of England, from time to time to issue orders directing that any person appointed after the passing of this Act to the office of judge, registrar, or other officer of any ecclesiastical court, or that any person appointed after the passing of this Act to the office of secretary, apparitor, seal keeper, or other officer employed in the transaction of official business by any archbishop or bishop holding a see in England, shall out of any fees received by him for his own use or for the use of any other person appointed after the passing of this Act in respect of the said office pay to the Ecclesiastical Commissioners for England such sums, in such manner, and at such times as may be prescribed by such orders, and any such sums not so paid may be recovered by an action brought by the secretary of the said Commissioners.

A.D. 1875.

Orders may
be made as
to payments
to Fee Fund.

All sums paid to the Ecclesiastical Commissioners for England under this section shall be placed by them to the credit of a fund to be called the Ecclesiastical Fees Fund. In fixing the sums to be paid by any person under this section due regard shall be had to the nature and extent of the duties to be performed by such person.

6. The Ecclesiastical Commissioners for England shall pay out of the Ecclesiastical Fees Fund to their Common Fund such sums for the expenses incurred by the said Commissioners in carrying into effect the provisions of this Act as the Commissioners of the Treasury may from time to time direct, and shall also pay out of the Ecclesiastical Fees Fund to the judge appointed under the Public Worship Regulation Act, 1874, and to the clerk of the said judge, such sums as may be prescribed in any order made under the last preceding section of this Act.

Payments
out of Fee
Fund.

The sums directed to be paid under this section to the judge appointed under the Public Worship Regulation Act, 1874, and to the clerk of the said judge, shall not exceed in total amount the sum of one thousand pounds per annum, dating from the first day of July one thousand eight hundred and seventy-five.

7. Whereas under the provisions of section two of the above-recited Act of the tenth and eleventh year of the reign of Her Majesty, chapter ninety-eight, a fund amounting to the sum of eleven hundred and twelve pounds eighteen shillings and one penny,

Certain fund
to be paid
over to
Ecclesiastical
Commis-
sioners.

A.D. 1875. or thereabouts, consolidated three pounds per centum annuities has accumulated in the hands of the Governors of the Bounty of Queen Anne, and is retained by them until Parliament shall provide for the appropriation thereof: Be it enacted, That the said fund, and any other sums which may be received by the said Governors 5 under the above-recited section of the said Act, shall be transferred and paid over by them to the Ecclesiastical Commissioners for England, and shall be placed by the said Commissioners to the credit of the Ecclesiastical Fees Fund, and shall be applied for the purposes of the said fund under this Act. 10

Statement of Fee Fund. 8. The Ecclesiastical Commissioners for England shall prepare a statement of the receipts and disbursements of the Ecclesiastical Fees Fund up to the first day of January in every year, and shall lay the same before each House of Parliament on or before the thirty-first day of March following, if Parliament be then sitting, or 15 if not, within ten days after the first meeting of Parliament next after the said thirty-first day of March.

Publication of orders. 9. All orders made under this Act shall be published in the London Gazette, and shall take effect from the date of such publication, and may from time to time be amended by the persons 20 having authority as aforesaid to make the same.

Provisions as to Vicar-General of the Province of York. 10. It shall be lawful for the Worshipful Granville Harcourt Vernon, if he shall think fit, to resign by a writing under his hand and seal any one or more of the ecclesiastical offices now held by him under letters patent from the Archbishop of York, without 25 invalidating by such resignation the said letters patent, so far as they relate to other offices not so resigned by him.

If the said Granville Harcourt Vernon shall resign the office of official principal or auditor of the Chancery Court of York or any other ecclesiastical office now held by him, he shall not be 30 thereby disqualified from continuing to receive any yearly sum which may have been awarded to him as compensation under the Court of Probate Act, 1857.

Duration of Act. 11. This Act shall remain in force until the thirty-first day of December one thousand eight hundred and seventy-eight, and the 35 balance, if any, then standing to the credit of the Ecclesiastical Fees Fund shall be disposed of in such manner as Parliament shall hereafter direct.

**Ecclesiastical Fees
Redistribution. [H.L.]**

A

B I L L

INTRODUCED

An Act to make provision for the Re-
distribution of certain Ecclesiastical
Fees.

(*Brought in from the Lords 9 July 1875.*)

*Ordered, by The House of Commons, to be Printed,
14 July 1875.*

[Bill 258.]

Under 1 oz.

Ecclesiastical Fees Redistribution Bill. [H.L.]

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Bishops secretaries, &c. to hold office subject to alterations.
3. Secretaries, &c. to make returns.
4. Penalty for not making returns, &c.
5. Certain fund to be paid over to the Ecclesiastical Commissioners.
6. Provisions as to Vicar-General of the Province of York.

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to make provision for the Redistribution of certain Ecclesiastical Fees. A.D. 1875.

WHEREAS by an Act of the seventh and eighth year of the reign of Her Majesty, chapter sixty-eight, it is provided that the registrar of every court exercising ecclesiastical jurisdiction, and the registrar of every vicar-general or diocese, shall on or before the twentieth day of January in every year transmit to one of Her Majesty's Principal Secretaries of State a true account in writing of the gross and net amounts of all such fees, allowances, gratuities, perquisites, and emoluments respectively as shall have been received or become due in the year ending the fifth day of January in such year on account of the judge of such court or vicar-general or on account of such registrar or (except of surrogates) of any other officer, clerk, or minister of such court or registry by virtue of his office or employment :

And whereas by the Act of the tenth and eleventh year of the reign of Her Majesty, chapter ninety-eight, it is provided that every person appointed after the passing of the Act of the sixth and seventh year of King William the Fourth, chapter seventy-seven (except as regards the Prerogative Court of Canterbury), or who should be appointed after the passing of the said Act of the tenth and eleventh year of the reign of Her Majesty, to the office of judge, registrar, or other officer of any ecclesiastical court in England, should hold the same subject to all regulations and alterations affecting the same which might thereafter be made by authority of Parliament; and it is further provided that no person by his appointment to any such office should acquire any claim or title to compensation in case the same should be thereafter altered or abolished by Act of Parliament :

And whereas it is expedient to extend the provisions of the said Acts as regards ecclesiastical offices, and to make provision for the redistribution of certain ecclesiastical fees :

[Bill 282.]

A

A.D. 1875.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by and with the authority of the same, as follows :

Short title.

1. This Act may be cited as the Ecclesiastical Fees Act, 5 1875.

Bishops
secretaries,
&c. to hold
office subject
to alterations.

2. Every person who shall be appointed after the passing of this Act to the office of secretary, apparitor, seal keeper, or other officer employed in the transaction of official business, by any archbishop or bishop holding a see in England, whether such office be or be 10 not an office in any ecclesiastical court in England, shall hold the same subject to all regulations and alterations affecting the same, or affecting the fees receivable in respect thereof, which may hereafter be made by authority of Parliament, nor shall any person by his appointment to any such office acquire any claim or title to 15 compensation in case the same be hereafter altered or abolished by Act of Parliament; provided that nothing contained in this section shall be construed to give to any person appointed before the passing of this Act to any of the said offices any right as to tenure of office, or any claim or title to compensation, not possessed by 20 him before the passing of this Act.

Secretaries,
&c. to make
returns.

3. Every person who shall after the passing of this Act be appointed to any of the offices mentioned in the last preceding section shall on or before the first day of March in every year transmit to one of Her Majesty's Principal Secretaries of State a true account, in 25 writing, of the gross and net amounts of all such fees, allowances, gratuities, perquisites, and emoluments as shall have been received by him or become due to him in the year ending the fifth day of January in such year by virtue of his office or employment.

Penalty for
not making
returns, &c.

4. In case any person required by the said recited Act of the 30 seventh and eighth year of the reign of Her Majesty, or by this Act, to transmit to one of Her Majesty's Principal Secretaries of State an account in manner aforesaid, shall, from and after the passing of this Act, fail to transmit such account on or before the first day of March in every year, or shall wilfully make any mis- 35 statement in such account as to the amount of fees, allowances, gratuities, perquisites, or emoluments received by him or due to him as aforesaid, he shall be liable to a penalty of twenty pounds, to be recoverable at the suit of the Ecclesiastical Commissioners for England, by action brought by the secretary of the said Commis- 40 sioners against the party offending in the county court of the district within which the registry of the diocese is situate wherein

such officer holds office, and the amount so recovered shall be applied by the said Commissioners for the purposes of their Common Fund. A.D. 1875.

5 5. Whereas under the provisions of section two of the above-
 10 recited Act of the tenth and eleventh year of the reign of Her
 Majesty, chapter ninety-eight, a fund amounting to the sum of
 eleven hundred and twelve pounds eighteen shillings and one penny,
 or thereabouts, consolidated three pounds per centum annuities has
 accumulated in the hands of the Governors of the Bounty of
 15 Queen Anne, and is retained by them until Parliament shall provide
 for the appropriation thereof: Be it enacted, That the said Governors
 shall pay out of the said fund, and any other sums which may be
 received by the said Governors under the above-recited section of the
 said Act, to the judge appointed under "The Public Worship Regu-
 20 lation Act, 1874," such sums, at such times, and in such proportions
 as the Archbishop of Canterbury, the Lord High Chancellor, the
 Archbishop of York, and the Lord Chief Justice of England, or any
 three of them, shall, by writing under their hands, appoint, in order
 to provide a salary for the said judge, and a payment for the clerk
 25 of the said judge, until a salary for the said judge and a payment
 for the said clerk is otherwise provided by Parliament.

Certain fund
to be paid
over to
Ecclesiastical
Commis-
sioners.

6. It shall be lawful for the Worshipful Granville Harcourt
 Vernon, if he shall think fit, to resign by a writing under his hand
 and seal the office of official principal or auditor of the Chancery
 25 Court of York now held by him under letters patent from the Arch-
 bishop of York, without invalidating by such resignation the said
 letters patent, so far as they relate to other offices not so resigned
 by him.

Provisions as
to Vicar-
General of
the Province
of York.

If the said Granville Harcourt Vernon shall resign the office
 30 of official principal or auditor of the Chancery Court of York he
 shall not be thereby disqualified from continuing to receive any
 yearly sum which may have been awarded to him as compensation
 under the Court of Probate Act, 1857.

**Ecclesiastical Fees
Redistribution. [H.L.]**

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITLED

An Act to make provision for the Re-
distribution of certain Ecclesiastical
Fees.

(Brought from the Lords 9 July 1875.

*Ordered, by The House of Commons, to be Printed,
3 August 1875.*

[Bill 282.]

Under 1 oz.

A
B I L L

TO

Amend the Education (Scotland) Act, 1872, in so far as relates A.D. 1875.
to the counties of Sutherland and Caithness.

WHEREAS it is expedient to amend "The Education (Scotland) Preamble.
Act, 1872," in so far as relates to the counties of Sutherland
and Caithness :

Be it therefore enacted by the Queen's most Excellent Majesty,
5 by and with the advice and consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled, and
by the authority of the same, as follows :

1. For the purposes of "The Education (Scotland) Act, 1872," Sixty-
seventh
section of
Education
(Scotland)
Act ex-
tended to
Sutherland
and Caith-
ness.
the sixty-seventh section of the said Act, and any minute of the
10 Scotch Education Department specially affecting the counties of
Inverness, Argyll, Ross, and Orkney and Shetland, shall be con-
strued as if there were inserted therein after the word "Ross" the
words "Sutherland," "Caithness."

Education (Scotland)
(Sutherland and Caithness).

A

B I L L

To amend the Education (Scotland) Act, 1872, in so far as relates to the counties of Sutherland and Caithness.

(Prepared and brought in by
Marquis of Stafford, Sir John Sinclair,
Sir Robert Anstruther, and Mr. Whitbread.)

*Ordered, by The House of Commons, to be Printed,
29 April 1875.*

[Bill 145.]

Under 1 oz.

A
B I L L

TO

Provide for the filling up of casual Vacancies in School Boards in certain cases by such Boards without public election. A.D. 1875.

WHEREAS it is expedient to make provision for the filling up of casual vacancies in school boards in certain cases by such boards without public election :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. A casual vacancy in a school board elsewhere than in the metropolis may be filled up by the school board without public election, subject to the following provisions : Amendment of law with respect to casual vacancies in school boards.
 - (1.) The vacancy must be filled up at an extraordinary meeting of the board :
 - (2.) Where the whole number of members of which the board would consist if it were complete does not exceed *ten, three fifths* at least of the actual number of the members must be present at the meeting, and where such whole number exceeds *ten, three fourths* at least of the actual number of members must be present at the meeting :
 - (3.) Not less than *three fourths* of the members present at the meeting must concur in the appointment of a person to fill the vacancy :
 - (4.) So much of the second schedule to the Elementary Education Act, 1873, as relates to the time of holding elections to fill casual vacancies shall not apply for the purposes of this Act :
 - (5.) Not more than two vacancies in any school board shall be filled up in any one year under the provisions of this Act without the special sanction of the Education Department :

[Bill 234.] A

A.D. 1875.

- (6.) If a casual vacancy is not duly filled up under the provisions of this Act within *three months* from the happening of such vacancy, or in the case of a vacancy existing at the passing of this Act then within *three months* from the passing of this Act, such vacancy shall not be filled up 5 under the provisions of this Act without the special sanction of the Education Department, but may be filled up by election or otherwise as if this Act had not passed :
- (7.) Subject to the provisions of this Act, the Education Department by order may from time to time prescribe the time 10 and mode of proceeding in filling up a casual vacancy under the provisions of this Act, and the mode of declaring and certifying the result of the proceeding.

Title and
construction.

2. This Act shall be construed as one with the Elementary Education Acts, 1870 and 1873, and this Act may be cited as "the 15 Elementary Education Act, 1875," and this Act and the said Acts may be cited together as the Elementary Education Acts, 1870 to 1875.

Elementary Education Acts Amendment.

A

B I L L

To provide for the filling up of casual
Vacancies in School Boards in certain
cases by such Boards without public
election.

*(Prepared and brought in by
Mr. Rathbone, Mr. Birtley, Mr. Arthur Mills,
Mr. Muntz, Mr. Salt, and Mr. Morley.)*

*Ordered, by The House of Commons, to be Printed,
2 July 1875.*

[Bill 234.]

Under 1 oz.

A
B I L L

TO

Amend the Education Act, 1870, by making obligatory in England and Wales the attendance of children at School and the formation of School Boards. A.D. 1875.
—

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 *Construction and Short Titles.*

1. This Act shall be construed as one Act with the Elementary Education Act, 1870 (in this Act referred to as the principal Act), and with the Elementary Education Act, 1873 (which two Acts are in this Act referred to as the former Acts) ; and the expression
10 "this Act" in either of the former Acts shall include the present Act ; and this Act may be cited as the Elementary Education Act, 1875 ; and this Act and the former Acts may be cited together as the Elementary Education Acts, 1870 to 1875.

Acts to be read as one, and mode of citing Acts.

School Boards.

15 2. For every school district where a school board has not been formed before the passing of this Act, or is not formed within six months after the passing of this Act, the Education Department shall, on the expiration of that period of *six months*, cause a school board to be formed.

20 Nothing in this Act shall affect the powers of the Education Department under the former Acts in relation to the formation of united school districts.

School board to be formed for every school district.

Attendance at School.

3. Every school board shall, subject and according to the restrictions and provisions of section seventy-four of the principal Act,
25 [Bill 16.]

Every school board to have

A.D. 1875.
 —
 byelaws
 requiring
 attendance
 at school.

make byelaws requiring parents of children to cause them to attend school, and determining the time of attendance, and imposing penalties for breach thereof, and shall submit the same for the approval of the Education Department.

If a school board formed before the passing of this Act, and not 5 having at the passing of this Act byelaws in force for the purposes aforesaid, do not within three months after the passing of this Act, and if a school board formed after the passing of this Act do not within three months after its formation, make and submit for approval byelaws for the purposes aforesaid, the board shall be 10 deemed to be in default, and the Education Department may proceed accordingly.

Byelaws of a school board revoking or altering byelaws made by that board for the purposes aforesaid, shall not have effect unless and until some new or altered byelaws of that board for the 15 purposes aforesaid have come into operation.

Elementary Education (Compulsory Attendance).

A

B I L L

To amend the Education Act, 1870, by making obligatory in England and Wales the attendance of Children at School and the formation of School Boards.

*(Prepared and brought in by
Mr. Dixon, Mr. Mundella, Sir John Lubbock,
and Mr. Trevelyan.)*

*Ordered, by The House of Commons, to be Printed,
8 February 1875.*

[Bill 16.]

Under 1 oz.

A

B I L L

INTITULED

An Act to confirm a Provisional Order made by the Education Department under “The Elementary Education Act, 1870,” to enable the School Board for Brighton to put in force “The Lands Clauses Consolidation Act, 1845,” and the Acts amending the same. A.D. 1875.

WHEREAS the Lords of the Committee of the Privy Council on Education have made a Provisional Order under the authority of the Elementary Education Act, 1870, on behalf of the School Board for Brighton, and it is requisite that the same should
5 be confirmed by Parliament:

Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

10 **1.** The following Order shall be and is hereby confirmed, and from and after the passing of this Act shall have full validity and force. Confirmation
of Order.

2. This Act may be cited as the Education Department Provisional Order Confirmation Act (Brighton), 1875. Title of the
Act.

A.D. 1875. THE SCHOOL BOARD FOR THE BOROUGH OF BRIGHTON
 IN THE COUNTY OF SUSSEX.

*Provisional Order for putting in force the Lands Clauses
 Consolidation Act, 1845.*

At the Council Chamber, the 22d day of February 1875.

5

WHEREAS the School Board for the borough of Brighton in the county of Sussex require to purchase two pieces of land for the purposes of the Elementary Education Act, 1870, and not having been able to purchase the same by agreement, require to put in force the provisions of the Lands Clauses Consolidation Act, 1845, and the Acts amending the same, which apply to the purchase and taking of lands otherwise than by agreement:

10

And whereas the pieces of land so required to be purchased are set forth in the schedule hereunder written:

And whereas the said Board have made due publication of the notices, and have duly served the same, according to the requirements of the Elementary Education Act, 1870, and have presented a petition to the Education Department praying that an Order may be made authorising the said School Board to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement, in which petition were stated all the matters required by the said Elementary Education Act to be stated therein, and the same hath been supported by such evidence as the said Education Department required:

15

20

And whereas the said Department, having considered the said petition and the proofs of the publication and service of the proper notices, have thought fit to proceed with the case, and have caused inquiry to be made in the district of the said Board wherein the said lands are situate as to the propriety of the proposed Order:

25

Now, therefore, the said Department, having received a report after such inquiry, and having duly considered the same, do hereby declare that it is proper and do hereby order accordingly, that the said Board be authorised to put in force, with reference to the pieces of land set forth in the schedule hereunder written, the powers of the said Acts for the purchase and taking of lands otherwise than by agreement or any of them.

30

Signed this 22nd day of February 1875.

F. R. SANDFORD, 35
 Secretary.

SCHEDULE.

A.D. 1875.

No. on Plan.	Description of Property.	Owners or Reputed Owners.
1 5 10 15 20 25	1 All that piece or parcel of land situate on the north side of Boyces Street, in the parish of Brighton in the county of Sussex, abutting to the piece of land next herein-after described on the north, partly to a piece of land and certain messuages being Nos. 25, 26, and 27, Middle Street, belonging to Charles Catt, and partly to certain workshops in the rear of No. 28, Middle Street on the east, to Boyces Street aforesaid on the south, and partly to a yard in the occupation of William Hamilton, partly to the back gardens of Nos. 60 and 61, West Street, and partly to the Turkish Baths on the west, which said piece of land herein-before described and proposed to be taken contains 4,080 superficial feet, or thereabouts, together with the three messuages or tenements erected and built and now standing and being on the said piece or parcel of land, or on some part thereof, and known and distinguished as Nos. 3, 4, and 5, Boyces Street aforesaid, Nos. 3 and 4 being now in the occupation of Hezekiah Stepney, and No. 5 in the occupation of Ann Kingston, widow.	Hezekiah Stepney.
2 30 35 40	2 All that piece or parcel of land being part of the back garden of a messuage or tenement No. 58, West Street, in Brighton aforesaid, and which piece or parcel of land proposed to be taken abuts to land and workshops belonging to Charles Feldwick on the north, to the playground of the Middle Street Board Schools on the east, to the piece of land firstly herein-before described on the south, and to the other part of the said garden on the west, and which said piece or parcel of land contains 1,870 superficial feet, or thereabouts, and is now in the tenure and occupation of Samuel Henry Soper.	William Holsworth.

Elementary Education
Provisional Order
Confirmation (Brighton).

[H.L.]

A

B I L L

INTITULLED

An Act to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for Brighton to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same.

(*Brought from the Lords 13 April 1875.*)

*Ordered, by The House of Commons, to be Printed,
19 April 1875.*

[Bill 129.]

Under 1 oz.

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Education Department under “The Elementary Education Act, 1870,” to enable the School Boards for Caister, Norfolk, and Rochford, Essex, to put in force “The Lands Clauses Consolidation Act, 1845,” and the Acts amending the same. A.D. 1875.

WHEREAS the Lords of the Committee of the Privy Council on Education have made certain Provisional Orders under the authority of the Elementary Education Act, 1870, on behalf of the School Boards for Caister and Rochford, and it is requisite that the same should be confirmed by Parliament :

Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

10 1. The following Orders shall be and are hereby confirmed, and from and after the passing of this Act shall have full validity and force. Confirmation of Order.

2. This Act may be cited as the Education Department Provisional Orders Confirmation (Caister, &c.) Act, 1875. Title of the Act.

A.D. 1875.

THE SCHOOL BOARD FOR CAISTER, COUNTY OF
NORFOLK.*Provisional Order for putting in force the Lands Clauses Consolidation Act, 1845.*

At the Council Chamber, the 6th day of August 1874.

5

WHEREAS the School Board for the parish of Caister, in the county of Norfolk, require to purchase a piece of land for the purposes of the Elementary Education Act, 1870, and not having been able to purchase the same by agreement, require to put in force the provisions of the Lands Clauses Consolidation Act, 1845, and the Acts amending the same, which apply to the purchase and taking of lands otherwise than by agreement :

10

And whereas the land so required to be purchased is set forth in the schedule hereunder written :

And whereas the said Board have made due publication of the notices, and have duly served the same, according to the requirements of the Elementary Education Act, 1870, and have presented a petition to the Education Department, praying that an Order may be made authorising the said School Board to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement, in which petition were stated all the matters required by the said Elementary Education Act to be stated therein, and the same hath been supported by such evidence as the said Education Department required :

15

20

25

And whereas the said Department, having considered the said petition and the proofs of the publication and service of the proper notices, have thought fit to proceed with the case, and have caused inquiry to be made in the district of the said Board wherein the said land is situate as to the propriety of the proposed Order :

Now, therefore, the said Department, having received a report after such inquiry, and having duly considered the same, do hereby declare that it is proper, and do hereby order accordingly, that the said Board be authorised to put in force, with reference to the piece of land set forth in the schedule hereunder written, the powers of the said Acts for the purchase and taking of lands otherwise than by agreement, or any of them.

30

Signed this sixth day of August one thousand eight hundred and seventy-four.

(Signed) F. R. SANDFORD,

35

Secretary.

SCHEDULE to the foregoing Order.

A piece of land belonging to or reputed to belong to Miss Ann Morton, and occupied by James Webster, situate in the parish of Caister, and delineated and described in the map or plan thereof deposited at the office of Mr. William Worship, at No. 3, South Quay, in Great Yarmouth, and containing by admeasurement from north to south forty-two yards, and from east to west fifty-eight yards.

40

A.D. 1875.

THE SCHOOL BOARD FOR ROCHFORD, COUNTY OF
ESSEX.

*Provisional Order for putting in force the Lands Clauses Consoli-
dation Act, 1845.*

5 At the Council Chamber, the 25th day of January 1875.

WHEREAS the School Board for the parish of Rochford, in the county of Essex, require to purchase a piece of land for the purposes of the Elementary Education Act, 1870, and not having been able to purchase the same by agreement, require to put in force the provisions of the Lands Clauses Consolidation
10 Act, 1845, and the Acts amending the same, which apply to the purchase and taking of lands otherwise than by agreement:

And whereas the land so required to be purchased is set forth in the schedule hereunder written:

And whereas the said Board have made due publication of the notices, and
15 have duly served the same, according to the requirements of the Elementary Education Act, 1870, and have presented a petition to the Education Department, praying that an Order may be made authorising the said School Board to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement, in which petition were stated all
20 the matters required by the said Elementary Education Act to be stated therein, and the same hath been supported by such evidence as the said Education Department required:

And whereas the said Department, having considered the said petition and the proofs of the publication and service of the proper notices, have thought fit
25 to proceed with the case, and have caused inquiry to be made in the district of the said Board wherein the said land is situate as to the propriety of the proposed Order:

Now, therefore, the said Department, having received a report after such inquiry, and having duly considered the same, do hereby declare that it is proper,
30 and do hereby order accordingly, that the said Board be authorised to put in force, with reference to the piece of land set forth in the schedule hereunder written, the powers of the said Acts for the purchase and taking of lands otherwise than by agreement, or any of them.

Signed this twenty-fifth day of January one thousand eight hundred and
35 seventy-five.

(Signed) F. R. SANDFORD,
Secretary.

SCHEDULE to the foregoing Order.

40 "A piece of land containing half an acre, or thereabouts, situate at the south-west corner of and forming part of a field called 'Town Field,' in the parish of Rochford aforesaid, reputed to be the property of *Ebenezer Boreham*, and in the occupation of *William George Stock*."

**Elementary Education
Provisional Orders
Confirmation (Caister,
&c.) [H.L.]**

A

B I L L

INTITLED

An Act to confirm certain Provisional Orders made by the Education Department under “The Elementary Education Act, 1870,” to enable the School Boards for Caister, Norfolk, and Rochford, Essex, to put in force “The Lands Clauses Consolidation Act, 1845,” and the Acts amending the same.

(Brought from the Lords 5 March 1875.)

*Ordered, by The House of Commons, to be Printed,
8 March 1875.*

[Bill 88.]

Under 1 oz.

A

B I L L

INTITULED

An Act to confirm a Provisional Order made by the Education Department under “The Elementary Education Act, 1870,” to enable the School Board for London to put in force “The Lands Clauses Consolidation Act, 1845,” and the Acts amending the same. A.D. 1875.

WHEREAS the Lords of the Committee of the Privy Council on Education have made a Provisional Order under the authority of the Elementary Education Act, 1870, on behalf of the School Board for London, and it is requisite that the same should
5 be confirmed by Parliament :

Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

10 1. The following Order shall be and is hereby confirmed, and from and after the passing of this Act shall have full validity and force. Confirmation of Order.

2. This Act may be cited as the Education Department Provisional Order Confirmation (London) Act, 1875. Title of the Act.

A.D. 1875.

THE SCHOOL BOARD FOR LONDON.

*Provisional Order for putting in force the Lands Clauses
Consolidation Act, 1845.*

At the Council Chamber, the 12th day of May 1875.

WHEREAS the School Board for London require to purchase divers pieces of 5
land for the purposes of the Elementary Education Act, 1870, and not having
been able to purchase the same by agreement, require to put in force the
provisions of the Lands Clauses Consolidation Act, 1845, and the Acts amending
the same, which apply to the purchase and taking of lands otherwise than by
agreement:

And whereas the lands so required to be purchased are set forth in the 10
schedule hereunder written :

And whereas the said Board have made due publication of the notices, and
have duly served the same, according to the requirements of the Elementary
Education Act, 1870, and have presented a petition to the Education Depart- 15
ment praying that an Order may be made authorising the said School Board to
put in force the powers of the said Acts with respect to the purchase and
taking of lands otherwise than by agreement, in which petition were stated all
the matters required by the said Elementary Education Act to be stated
therein, and the same hath been supported by such evidence as the said 20
Education Department required :

And whereas the said Department, having considered the said petition and
the proofs of the publication and service of the proper notices, have thought
fit to proceed with the case, and have caused inquiry to be made in the
district of the said Board wherein the said lands are situate as to the propriety 25
of the proposed Order :

Now, therefore, the said Department, having received a report after such
inquiry, and having duly considered the same, do hereby declare that it is
proper and do hereby order accordingly that the said Board be authorised to put
in force, with reference to the pieces of land set forth in the schedule here- 30
under written, the powers of the said Acts for the purchase and taking of lands
otherwise than by agreement, or any of them.

Signed this 12th day of May 1875.

F. R. SANDFORD,
Secretary. 35

SCHEDULE referred to in the preceding Order.

A.D. 1875.

A piece or parcel of land situate in or near Marlborough Road, in the parish of Chelsea, in the county of Middlesex, on the south side of Marlborough Road and the north side of Keppel Street, and containing nineteen thousand three hundred and forty square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows:—

	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
10	Earl Cadogan, Sloane Stanley.	Sir Francis Shuckburgh, Major Shuckburgh, Mrs. Mary Ann Perrin, Edward Perrin, Mrs. E. May, F. A. R. Wastall, Joseph W. Todd, William Davis, Samuel Nunn, John Litton, William Boylette, Mrs. Mary Ann Litton, Mr. Emerton, James Bass, James Brownsea.	Mrs. Mary Ann Perrin, Edward Perrin, Joseph W. Todd, Samuel Nunn, James Butler, Mr. Donnelly, Mr. Warren, James Freeman, Frederick Isaacs, Peter Curzon, John William Wester, George Rapley, Mr. Taylor, Mrs. MacStay, Henry Woolrych, Samuel Dawtry, William Thomas Joliffe, Francis Chapman, Frederick Hagen, Peter Edington, George Street, Charles Redway, Joseph Abbott, Richard Bull, Joseph Todd, Charles Ward, David Hobbs, William King, David Teviotdale, Mrs. E. Crickmore, John Glenn.
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25			

A piece or parcel of land situate in or near Portobello Road, in the parish of Kensington, in the county of Middlesex, and bounded on the south-east side thereof in part by Buckingham Terrace and in part by the rear of houses in Buckingham Terrace, and on the north-west by the rear of houses in Colville Terrace, and containing twenty-two thousand four hundred square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows:—

	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
40	Mary Ann Bolton, James Allen, Thomas Archer.	Mary Ann Bolton, James Allen, Daniel Bareham, Thomas Kealey, The Kensington Building Society, Charles Brown, Aaron Walters, John Hickman, Joseph Rowdon, John Bolding, Mary Smith, Joseph Henry Smith.	Thomas Kealey, Robert Parker, Vestry of St. Mary Abbott's, Kensington, The Grand Junction Waterworks Company, The Gaslight and Coke Company, John Smith, Henry Swinney, John Fairfax, Morris Jones, John William Bell, Robert Sainsbury, Robert Feary, John Durrant, William Gill, James Boxall, John Smith, Mr. Inge, Richard
45			

A.D. 1875.

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
		James Gill, George Hicks, John Snooks, Edward Hocker, Mr. Webb, James Saville, William Quick, Charles Williams, James Sutterby, William Jones, Dr. Vining, George Shurman, George Hawling, William Card, William Riley, Robert John Savidge, Jesse Dawson, Jane Glozier, Mr. Thomas, John Turner, Edward Ellis, Charles Goodwin, James Jeffries, Thomas Casey, Patrick Ward, Mrs. Euston, Joseph Bowser, John Newman, Henry Keely, George Register, Mr. Taylor, Robert White, Joseph Harris, George Polwarth, Mrs. King, George Holt, Thomas Brown, William Packer, Mrs. Winn, George Beard, John Hallett, Mr. Palmer.

A piece or parcel of land situate in or near Latimer Road, in the parishes of Kensington and Hammersmith, in the county of Middlesex, on the east side of Latimer Road aforesaid, and bounded on the north and south by proposed new roads, and containing thirty-two thousand six hundred and seventy square feet or thereabouts, together with all and singular the messuages, tenements, and buildings (if any), now standing and being thereon, with their appurtenances. The names of the owners, lessee, and occupier of the said piece or parcel of land and hereditaments are as follows :—

Owners or reputed Owners.	Lessee or reputed Lessee.	Occupiers.
Colonel Matthew Chitty Downes St. Quintin, The Fulham District Board of Works, James Whitchurch.	John William Rush	John William Rush.

A piece or parcel of land situate in Coal Yard, Drury Lane, in the parish of Saint Giles-in-the-Fields, in the county of Middlesex, on the south-east side of Coal Yard, and bounded on the south-west by King's Arms Yard, and north-east by Smart's Buildings, and containing ten thousand five hundred and thirty-eight square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

A.D. 1875.

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Miss Mary Arabella Cox, Rev. C. M. Ramus.	James Allen, James Burrows, Rubin Roger Pattison.	James Allen, James Burrows, Joseph Hawkins, John Barry, George Edgeller, Mr. Hunt, Mr. Ireland, Thomas Warwick, John Angus, John Kerswill, Mr. Cousins, Mr. Honey, Mr. Jones, John McDonald, James Spiller, Mrs. Champ, Frank McDonald, William Connor, Thomas Joyce, Margaret Tobin, Mr. Miller, John May, Mr. Taylor, Mr. Stockwell, John Connor, Mrs. Davis, Mr. Stockford, Mr. Stray, Mr. Smith, Metropolitan Board of Works St. Giles District, The London Gas Company, The New River Waterworks Company, James McCormack, Mrs. May, John Saunders, William Bates, Patrick Caverley, Henry Stephens, John Davenport, Mrs. Mack, Mrs. Arnott, Mrs. Mc Loughlin, Patrick Driscoll, Mr. Graney, Mr. Lane, Mrs. Walch, Mrs. Banister, James McCormack, Mr. Bairster, Mr. Coakley, Mr. Leary, Mr. Hickey, Mr. Long, John Caverley, Mr. Smith, Mr. McCormack, Mr. Donovan, Mr. Lee, Mr. Meadlock, Mr. Hunt.

A piece or parcel of land situate in or near Great Saffron Hill, in the Liberty of Saffron Hill, in the county of Middlesex, bounded on the west by Great Saffron Hill, on the north by Castle Street, and on the south by Peter Street, and containing twenty-one thousand three hundred and eighty-five square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows:—

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
The Improvement Committee of the Corporation of London, The Ecclesiastical Commissioners for England.	John Dodd, James Biggs, John Chandler, George Charles Porter.	George Lines, William Silk, John Sharp, John Haley, Richard Arnold, Ann Kenney, Walter Jones, James Masters, Peter Vergan, James Evans, James Hunt, Henry Bidders, Sarah Robinson, Thomas Roberts, Joseph Batting, John Draghi, Thomas Hill, Ann Pachley,

A.D. 1875.

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
		John Miller, John Walker, Thomas Wright, Richard Henry Rendel, George Alexander Sim- monds, Thomas Jemmett, Charles 5 Bursham, Solomon Worms.

A piece or parcel of land situate in or near Ann Street and William Street, in the parish of Clerkenwell, in the county of Middlesex, bounded on the north-east side by William Street, on the south-west by Ann Street, and on the north-west by the Saint Phillip's Parochial Schools, and containing eleven 10
thousand nine hundred and seventy square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owner, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :— 15

Owner or reputed Owner.	Lessees or reputed Lessees.	Occupiers.
Marquis of Northamp- ton.	E. Kirk-Weston, Miss	James Slater, Thomas Howe, John
	E. Kirk-Weston, Rev.	William Cooke, Rev. Thomas
	G. Kirk-Weston, Rev.	Edward Cozens Cooke, Trustees 20 of the Wilmington District Mis- sion School, The School Board for London, John Fisher, George John Dyer, Alfred Lamb, Mrs. E. Holmes, Robert Hitchcock, 25 Achalli Vassali, Robert Allen, Henry Gwynn, Ellen Stag, Mar- garet Warren, Eliza Grace, Daniel Leonard, Thomas Amey, John Longworth, Mr. Pullen, Joseph Stockbridge, Thomas 30 Burbidge, Harry Young, Ed- ward Speer, Joseph Day, Henry Davis, Mrs. Howie, Mrs. Pattis- son, Walter George Bell, Ann Trodd, Mrs. Reeves, Eugene 35 O'Burns, William Inge, William Hughes, James Ford, William McGarrie, James Angus, P. Ky- berd, Joseph Ward, Robert Hil- son, Mr. Saunders, Robert 40 Brockell, John Eldridge, Mrs. Payne, John Taylor.

A piece or parcel of land situate in or near Chequer Alley, in the parish of Saint Luke, in the county of Middlesex, being "The Hope Schools for All," and a portion of the Bunhill Fields Burial Ground of the Society of Friends, on 45
the north side of Chequer Alley, and containing seventeen thousand two hundred and twenty-nine square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their

[38 & 39 VICT.] *Elementary Education Provisional Order* . 7
Confirmation (London).

appurtenances. The names of the owners, lessees, and occupiers of the said A.D. 1875.
piece or parcel of land and hereditaments are as follows :—

	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
5	Joseph Steny, Edward Marsh, William Beck, Robert Horn, James Vaston Baynes, Thomas Sterry Norton, Joseph Gurney Barclay, George Lynes Neighbour, Henry Neighbour, Richard Smith.	Thomas Boyden, John Thomas Briscoe, Moses Buchanan, Edward Francis, William Lowne, Samuel Moore, Robert Young, Alexander Maitland, Robert Reaveley Glover, James Smith, William Beck, William Carruthers, Henry Clarke, Thomas King Dewell, James Duncan, Edward Francis, Edward Gowan, Leone Levi, William Lowne, Samuel Moore, James Moser, Thomas Ness, Robert Whyte, Robert Young.	The London School Board.
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25 A piece or parcel of land situate in or near Woodland Place, in the parish of Greenwich, in the county of Kent, and bounded on the south by the South-eastern Railway Embankment, on the north by Woodland Place, and on the west by School Board premises in Creed Place, and containing ten thousand eight hundred and forty square feet or thereabouts, together with all and singular the messuages, tenements, and buildings (if any) now standing and being thereon, with their appurtenances. The names of the owners and occupier (there being no lessee) of the said piece or parcel of land and hereditaments are as follows :—

	Owners or reputed Owners.	Occupier.
35	Trustees of Morden College, Blackheath -	Charles Mansfield.

40 A piece or parcel of land situate in or near Regent Street and Stanhope Street, in the parish of Deptford (Saint Paul), in the county of Kent, and bounded on the north in part by Regent Street and in part by the rear of houses in Regent Street, and on the south by Stanhope Street, and containing thirteen thousand two hundred and eighty square feet or thereabouts, together with all and singular the messuages, tenements, and buildings (if any) now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

A.D. 1875.

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Lord Northbrook

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owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :— A.D. 1875.

	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
5	The Trustees of the Tyssen Amhurst Estate, W. A. Tyssen Amhurst.	George Harris, Robert Barlow, Henry Greening.	Robert Barlow, Henry Greening, Joseph Crowther.

- 10 A piece or parcel of land situate in or near Well Street and Orchard Street, in the parish of Hackney, in the county of Middlesex, and bounded on the south-east side thereof by Well Street aforesaid, and on the north-west side thereof by Orchard Street, and containing eleven thousand three hundred and fifty square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
	The Hackney College Committee, John Holt.	London School Board, Matilda Fordham, John Newman.	London School Board, Mr. Eddesford, Mr. Tugwell, A. A. Knight.

- 20 A piece or parcel of land situate in or near Canal Road, in the parish of Shoreditch (Saint Leonard), in the county of Middlesex, and bounded on the north side thereof by Canal Road aforesaid, and on part of the south side thereof by Harland Square, and on the west by the rear of houses in William Street, and containing sixteen thousand eight hundred and eighty square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
30	Henry Gerard Sturt, Henry Booth, George Arthur Jervoise Scott.	Samuel Dottridge, Frederick Clark, Charles Berry, Mr. Arthur Hind, Reuben Button, James Harman, the Trustees of the West London and General Permanent Building Society.	Joseph Henry Simkins, George Duggin, Mr. Patrick, William Joyce, Mrs. Wallis, James Hartley, Mrs. Day, Mrs. White, William Saunders, Samuel Gee, Frederick Rogers, George Russell, Edward Singer, Charles Humm, Mr. Rees, Mrs. Edwards, Mr. Charles Gaylor, William Buck, George Godfrey, Matilda Henrick, Mrs. Cox, William Oliver, James Beaker, Joseph Perry, Frederick Denny, William Grove, George Raine, Archibald Wright, Henry Woolley, Joseph Wise, Charles Berry.
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A.D. 1875. A piece or parcel of land situate in or near Wellington Street, in the parish of Shoreditch, in the county of Middlesex, and bounded on the south side thereof by Wellington Street aforesaid, on part of the west side thereof by a passage leading from Wellington Street aforesaid into Red Lion Passage, on part of the north and other part of the west sides thereof by Red Lion Passage 5 aforesaid, and on other part of the north side thereof by Red Lion Street, and containing nineteen thousand four hundred and seventy-eight square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land 10 and hereditaments are as follows :—

Owners or reputed Owners.		Lessees or reputed Lessees.	Occupiers.
Richard Steele,	Frederick Theresa Aloes Steele, Sir Francis Goldsmid.	George Noon, Dr. Robert Barlow, J. Edwards, Maria Ellis, Emma Ellis, William D. Collins, Emma Sophia Tisley, Mrs. Gayler, executors of the late William Henry Bridge, Mrs. Edward Howard, Charles Johnson, Mrs. Pittman, F. Selby.	Thomas Harvey, William Porrott, Mr. Collett, Mrs. Whyman, George Waterford, Robert Hodgen, William Simpson, John Rose, William Edwards, James Apps, James Scott, William Pamentor, John Barton, Henry Hanmore, George Barter, Charles Johnson, E. Meek, J. Barr, Emma Lean, Mrs. Morley, Mr. Yelton, Patrick Marshall, Mr. Fisher, Frederick Harper, Mrs. Watson, John Austin, Alfred Edward Cowell, Mr. Jennings, Mr. Jones, Mr. Thorn, Mr. High, J. Oliver, James Anderson, George Horn, Ellen Bayliss, James Hammerstone, Joseph Huggett, John Sears, Mrs. Rush, George Sudgrove, Mrs. Merchant, Mrs. Hoare, John Wynford, Mary Griffiths, Mr. Honeyball, Henry Faulkes, Thomas Hart, Richard Jennington, Joseph Goodspeed, John Shelton, John Salmon.

A piece or parcel of land situate in or near Addington Street, in the parish of Lambeth, in the county of Surrey, bounded on the south side thereof by Addington Street aforesaid, on the north side thereof by Cottage Place, and on the south-east side thereof by John's Place, and containing twenty thousand three hundred square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or 45 parcel of land and hereditaments are as follows :—

			A.D. 1875.
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Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	
The Ecclesiastical Commissioners for England, John Chevallier Cobbold, Richard Lawton, Edgar Lawton, Mrs. Lawton. 5 10 15 20 25 30 35	Henry Lancelot Holland, Charles Brigden, Richard Wilton, Henry Hill, James G. H. Wilton, Mrs. Eliza Bryon, Mrs. Jane Dover, John Chevallier Cobbold.	Charles Frederick Weston, Charles H. Weston, John Borroughes, William Gamblin, William Amber, Louis Durez, Henry Marriott, Henry Jaynes, Richard Chipping, Mr. Brown, David Nisbett, George Gibbett, Mr. Earle, George Helyer, Samuel Perkins, Miss Finlay, Mr. Pearce, John Daft, Mr. Plough, Robert Bullock, John Hooker, George Hall, William Hicks, Robert Newton, Harry Fox, George Gordon, Samuel Brown, Samuel Newton, Michael Farrier, Mrs. Ann Fagan, William Morgan, Mr. Woolhard, John Biscoombe, Joseph Newton, William Hutley, William Newton, A. F. Conew, James Wilson, William White, Charles Cowles, David Lee, Robert J. Hutchinson, Charles Pigg, John Rose, Mrs. C. Vaughan, William C. Watson, Charles Parker, Joseph Woodward, Harry South, John S. Scotland, Penton Gale, Thomas Wilson, George Hall, Mrs. Jane Karn, John Batt, William G. Pulford, Alfred Wilkins, Thomas Dyer, James Ready, Henry S. Davis, Henry Glover, John Priest, Mrs. Elizabeth Duck, Edgar Elliot, Richard Gardiner, Mr. Yexley, John Reeves, Herbert Hammond, Charles Gadd.	

A piece or parcel of land situate in or near Leipsic Road and Clarendon
40 Road, in the parish of Camberwell, in the county of Surrey, and running in a
westerly direction from Leipsic Road aforesaid towards Clarendon Road, and
containing twenty-three thousand three hundred and thirty-eight square feet
or thereabouts, together with all and singular the messuages, tenements, and
buildings now standing and being thereon, with their appurtenances. The
45 names of the owner, lessees, and occupiers of the said piece or parcel of land and
hereditaments are as follows :—

Owner or reputed Owner.	Lessees or reputed Lessees.	Occupiers.
Colonel Wood 50	William Wells, George Davis.	Frederick Charles Nichols, Ralph Page, Mrs. Watts, George Honor, Edward Bishop, William Trickey.

A.D. 1875.

A piece or parcel of land situate in or near Albany Road and Boundary Lane, in the parish of Camberwell, in the county of Surrey, and bounded on the south side thereof by Albany Road aforesaid, and on the north side thereof by Boundary Lane aforesaid, and containing twenty-five thousand one hundred and ninety square feet or thereabouts, together with all and singular the mes- 5
suages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owner, lessee, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

Owner or reputed Owner.	Lessee or reputed Lessee.	Occupiers.
Mrs. Carey - -	Thomas Flight -	George Drew, Mr. Ashton, Wil- 10 liam Ayres, Mr. Wells, John Dunworth, Mr. Redmond, Jane Goodfellow, Frank Shergool, Joseph Barker, Dr. West.

A piece or parcel of land situate in or near Hamilton Road, in the parishes 15
of Lambeth and Camberwell, in the county of Surrey, and being on the north-
east side of Hamilton Road aforesaid, and containing twenty-one thousand one
hundred and eighty square feet or thereabouts, together with all and singular
the messuages, tenements, and buildings now standing and being thereon, with
their appurtenances. The names of the owners, lessees, and occupiers of the 20
said piece or parcel of land and hereditaments are as follows :—

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupier.
The Governors of Dul- wich College, Mrs. Harriet Coe Russell.	John Westwood, Henry Gover.	Henry Martin.

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A piece or parcel of land situate in or near South Lambeth Road, in the
parish of Lambeth, in the county of Surrey, bounded as to part of the east side
thereof by South Lambeth Road aforesaid, and as to the remaining part of the
east side thereof by Wheatsheaf Lane, and containing sixty thousand six
hundred and forty-three square feet or thereabouts, together with all and 30
singular the messuages, tenements, and buildings now standing and being thereon,
with their appurtenances. The names of the owners, lessees, and occupiers of
the said piece or parcel of land and hereditaments are as follows :—

A.D. 1875.

	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
5	Arthur Hoare Lowles, J. Sicard Rutter, John Weise, Miss Ellen Osborne Snoulton, John Thomas Wright, Mrs. John Thos. Wright, the Rev.	Mr. Woolcott, Charles Kearland, Charles Riddick, Richard Taylor, Joseph Richardson, Louis E. Chagniat, Mrs. Elea- nor Sophia Holmes, Miss Thyrza Matilda Poole, Mrs. Margaret A. Roberts, Mrs. Ann Little, Mrs. Mary Price Downes, Wil- liam Henry Edwards, Edward Whaley Isaacks, John Hovell Triston, Joseph Bray, James Atkins.	James Lamb, David Jones, Charles Thomas Jordan, Frederick Un- win, Edward Reid, Frederick Russell, James Wright, Harry Biggs, Mrs. Elizabeth Davis, Joseph Richardson, Louis E. Chagniat, Edward Whaley Isaacks, Joseph Bray, James Atkins.
10	Thomas Samuel Curteis, Edward Hammond, Rosalind Hammond.		
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- A piece or parcel of land situate in or near James Street, in the parish of
20 Clapham, in the county of Surrey, and bounded on the north-east side thereof
by James Street aforesaid, and on the south-east by the rear of houses in
Broomfelde Terrace, and on the south-west by the rear of houses in Union
Street, and containing fourteen thousand seven hundred and eighty-four square
feet or thereabouts, together with all and singular the messuages, tenements,
25 and buildings now standing and being thereon, with their appurtenances. The
names of the owner, lessee, and occupiers of the said piece or parcel of land
and hereditaments are as follows :—

	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupiers.
30	George James Barnard Hankey.	Richard Petty	James Birchmore, Mrs. Elizabeth Redman, Henry Fisher, Eliza- beth Cooper, George Reade, Mr. Kemp, William Hodges, Mrs. Crane, Thomas Worthall, Mr. Read, Frederick J. Harvey.

- 35 A piece or parcel of land situate at the end of Mantua Street, in the parish
of Battersea, in the county of Surrey, in the rear of houses in Wye Street, and
abutting south-east on the rear of houses in Ingrave Street, and containing
thirty-two thousand six hundred and seventy square feet or thereabouts,
together with all and singular the messuages, tenements, and buildings (if any)
40 now standing and being thereon, with their appurtenances. The names of the
owner and occupier of the said piece or parcel of land and hereditaments are
as follows :—

A.D. 1875.

Owner or reputed Owner.		Occupiers.
Edward Fownes	- - - - -	James Steel.

A piece or parcel of land situate in or near Hatfield Street, in the parish of Christ Church, in the county of Surrey, bounded on the east side thereof by Hatfield Street aforesaid, on the north side thereof by the Unitarian Christain 5 Church, and on the west side thereof by Broadwall, and containing eleven thousand nine hundred and seventy-four square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as 10 follows :—

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Miss Mary Clayton, Miss Martha Clay- ton.	Charles William Weedon, James Frederick Weedon, Mrs. Cuthbert, Miss Amelia Julia Weedon, Richard Sharp, William Sharp, John Sharp.	Mrs. Scott, Mrs. Lakey, Thomas S. Morley, William Morley, John Booth, William Henderson 15 Grasby, Mrs. Rushbrooke, Mr. Frederick Michael, Henry Noakes, Mr. Plankinhorn, Edward Eglese, Richard Slane, Mrs. King, Frederick Powell, 20 Miss Alice Devitt, J. G. Eedle, Mrs. Turner, Edward Strecker, Frederick Pardoe, George Scales, Mrs. Peek, Mrs. Clark, Charles Willam Weedon, James Frederick Weedon, Mrs. Cuthbert, Miss Amelia Julia Weedon. 25

A piece or parcel of land situate in or near Holland Street, in the parish of Saint Saviour, Southwark, in the county of Surrey, bounded on the south side thereof by Holland Street aforesaid, and on the east side thereof by Love Lane, 30 and containing eight thousand four hundred and forty-three square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

A D. 1875.

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
5 The Ecclesiastical Com- missioners for Eng- land.	Finch Hill, Rowland Hill, J. S. Miller, Mrs. A. Williams.	Mrs. Murdock, Theodore Johnson, William Seabrook, Mrs. Ritchie, Miss Welch, Thomas Lester, Mr. McCarthy, Mr. Duffril, William Parker, David Foster, Henry Byatt, John Bennett, Charles Shambrook, Caroline Clark, R. W. Pearse, Mr. Robinson, Mr. Hugh, Mr. Kelsey, Mr. Cole, Mr. Varley, Mr. Platts, Thomas Harris, Joseph Watson, Mr. I. Impson, George Allen, Mr. Beecham, Thomas Smith, T. Donovan, Harry Moreland, Mrs. Benton, Mrs. Holmes, Mrs. Con- way, Mr. Dobbin, Mr. Flinns, Mr. Harbour, William Jones, Mrs. Jones.

20 A piece or parcel of land situate in or near Ewer Street, in the parish of
Saint Saviour, in the county of Surrey, bounded on the south side thereof by
Ewer Street aforesaid, and containing twelve thousand five hundred and forty-
nine square feet or thereabouts, together with all and singular the messuages,
tenements, and buildings now standing and being thereon, with their appurte-
25 nances. The names of the owners, lessee, and occupiers of the said piece or
parcel of land and hereditaments are as follows :—

Owners or reputed Owners.	Lessee or reputed Lessee.	Occupiers.
30 The Ecclesiastical Com- missioners for Eng- land.	William Line -	Patrick Marney, Mary Marney, Mrs. Simmons, Mr. Daley, Samuel Brown, John Herring, Frederick Bennett, David Tingal, Richard Strange, Charles Linton, John Holliday, Thomas Jones, Mr. Murray, George Bennett, Eliza Fenwick, Mary Hoy, Mrs. 35 Downs, William Bennett, Wil- liam Webster, Henry Hart, John Sturrupe, John Connor, Bridget Sweeney, Thomas Carpenter, George Young, Hammond Thor- 40 ney, Lavinia Clapham, Alfred Smith, Ellen Vanson, Mrs. Ores, Daniel McCarty, Jane Slack, Mr. Denny, George Cooley, John Savory, James Harris, 45 Frank Downes, Sarah Grogan, John Coudon, John Jones.

A.D. 1875. A piece or parcel of land situate in or near Mint Street, in the parish of Saint George-the-Martyr, in the county of Surrey, bounded on the north side thereof by Mint Street aforesaid, on the south side thereof by Vine Yard, and on the north-west side thereof by Wallace's Alley, and containing ten thousand two hundred and forty square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners and occupiers of the said piece or parcel of land and hereditaments are as follows :—

Owners or reputed Owners.	—	Occupiers.
C. D. Field, Thomas Wild.	- - -	George Morgan, Mrs. Ryan, George Peakall, Peter Murray, George Stephens, Henry Lee, Mr. Chapman, William Breadmore, George Jones, Richard Kirby, Charles Canneycot, Henry Hicks, Louis a Paramor, George Cooper, Fredk. Lound. 10 15

A piece or parcel of land situate in or near Westcott Street, in the parishes of Saint George the Martyr and Bermondsey, in the county of Surrey, bounded on the south-east side thereof by Westcott Street aforesaid, on the south-west side thereof by Anne's Place, and on the north-west by the rear of houses in Henry Street, and containing twenty-eight thousand six hundred and eighty-two square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owner, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

Owner or reputed Owner.	Lessees or reputed Lessees.	Occupiers.
Adolphus Fisher -	Messrs. Nichols and Son	Messrs. Nichols and Son, Mr. Dryden, Mr. Wyatt, John Bradley, Mr. Graham, Mr. Ronans, Mr. Read, Mr. Albery. 30

A piece or parcel of land situate in or near London Street, Dockhead, in the parish of Bermondsey, in the county of Surrey, bounded on the north-east side thereof by London Street aforesaid, and on the north-west side thereof by Little London Street, and containing ten thousand six hundred and ninety-six square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

[38 & 39 VICT.] *Elementary Education Provisional Order.*
Confirmation (London).

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A.D. 1875.

	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
5	James Barit Daubuz, George Evans, James Henry Porteus Oakes, Rev. Septimus Cox Holmes Hansard, Wil- liam Meybohm Ryder Haggard, Oswald Augustus Smith, James Peek, Charles Allen King.	George Hoare, William Overall, George H. Frean, Alfred Wood, James Peek.	James Lambley, Mr. Cook, the Vestry of Bermondsey, Caroline Crowley, William Smith, Henry Smith, William Overall.
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A piece or parcel of land situate in or near Alexander Street, in the parish of Bermondsey, in the county of Surrey, bounded on the south side thereof by Alexander Street aforesaid, on the east side thereof by Mack's Road, on the west side by Linsey Street, and containing seventeen thousand nine hundred and ninety-six square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owner, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows:—

	Owner or reputed Owner.	Lessees or reputed Lessees.	Occupiers.
20	Alexander Rolls	Henry Maeers, James Law, John Pollock, jr., Walter Winkley, James Harman, John H. Boone, Harriett Eve, George Frost, Mr. Salter.	John Denkin, John Griffin, Henry Drury, Joseph John Saunders, Robert Henry Chamberlain, Thomas Potter, James Skinner, John Ball, Frederick James Martin, Edward F. Phillips, Mrs. Robinson, William Randall, Robert Cox, Henry Cavie, Wil- liam Laker, James W. Mayhead, Thomas Mager, John Crew, John Crew, John Rowen, Mr. Spanton, Amos Martin, George Dixon, George Brooks, James Charles Leng, Mr. Bennett, Susan Jones, Mr. Dicks, Mr. Burrows, George Francis Ed- ward Kilsby, Thomas Deuler, Nelson Regan, George Clark, Thomas Whichlow, Henry Flay.
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40 A piece or parcel of land situate in or near Keetons Road, in the parish of Bermondsey, in the county of Surrey, bounded on the west side thereof by Keeton's Road aforesaid, and facing Webster Road, and containing fifteen thousand and thirty-seven square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessees, and

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A.D. 1875.

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A piece or parcel of land situate in or near Darby Street, in the parishes of Saint Botolph Without Aldgate and Saint Mary Whitechapel, in the county of Middlesex, bounded on the east by the London and Blackwall Railway, and on the west by Crown Court and Darby Street, and containing thirteen thousand 5 eight hundred and forty-eight square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
10 Samuel Morley, Angus Jennings, Ebenezer Pye Smith, William Phillips, Thomas Walker, John Innes, James Innes, Sir Thomas Edward Colebrook, Great Eastern Railway.	William Munday, Eleanor Unwin, John Fenton, Joseph Kent, George Showell.	Eleanor Unwin, John Fenton, Joseph Kent, George Showell, The School Board for London, John Sparkes, Richard Dillon, James Moore, Matthew Duffield, James O'Leary, Ellen Derant, Elizabeth Cook, Michael Crane, Daniel Sullivan, Samuel James Whitefoot, Mary Ann Price, Thomas Taylor, Joseph Demery, Thomas M'Carthy, Thomas Cocklin, Bridget Collins, Catherine Cantey, Margaret Desmond, Laura Bryant, Catherine Murphy, John Gallavin, Mary Cantey, William Day, Catherine Garvey, John Driscoll, James Woodhead, William Burns.
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A piece or parcel of land situate in or near Thomas Street, in the parish of Limehouse, in the county of Middlesex, bounded on the south-east side thereof 30 by Thomas Street aforesaid, and on part of the east side thereof by Walker Street, and on other part of the east side thereof by the rear of houses in Walker Street, and containing thirty-two thousand six hundred and seventy square feet or thereabouts, together with all and singular the messuages, tenements, and buildings (if any) now standing and being thereon, with their appurtenances. 35 The names of the owners and occupiers of the said piece or parcel of land and hereditaments are as follows :—

Owners or reputed Owners.	—	Occupiers.
Henry Cotton, Edmund Hay Currie.	- - -	Henry Cotton, Edmund Hay Currie.

40 A piece or parcel of land situate in or near Blue Anchor Court, in the parish of Ratcliff, in the county of Middlesex, bounded on the east by George Court, on the north in part by Harris Court, and on the west in part by Collingwood Street, and in other part by the rear of houses in Collingwood Street, and containing eleven thousand and forty square feet or thereabouts, together with all 45 and singular the messuages, tenements, and buildings now standing and being

A.D. 1875. thereon with their appurtenances. The names of the owners, lessee, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

Owners or reputed Owners.	Lessee or reputed Lessee.	Occupiers.
Robert Warton, Thomas Keohan, Messrs. Holt & Co., F. W. Ratcliff.	W. Devine - - -	William Bottomley, Ann McColiff, Mrs. Couley, John O'Leary, 5 Daniel Sullivan, James Salter, Ellen Maccarthey, Mike O'Carthy, John Buckley, John Sullivan, Mrs. Donovan, Cornelius Barry, Daniel Sullivan, Patrick E. Shea, John Hunt, Dan Kady, Thomas Carthy, Jeremiah Reggan, Mrs. Carthey, Mrs. Driscoll, Mr. Driscoll, Bridget Craven, John O'Shea, Mrs. Sullivan, Matthew Donovan, Cornelius Daley, Ann Conolly, Michael Murphy, Patrick Kerley, Catherine Lynch, Daniel Brain, Daniel McCarthy, Ann Driscoll, Patrick Connolly, John Kenney, Jeremiah Sullivan, Timothy Green, Daniel McCarthy, Timothy Driscoll, Dennis Ragin, Edward Horan, Tom Cady, Cornelius Sullivan, Johanna Driscoll, Richard Maccarthy, Mr. de Vine, Peter Connor, James Coghlan, Peter Sheehan, John Sullivan, Denis Mahony, John Lee. 10 15 20 25 30

A piece or parcel of land situate in or near Northey Street, in the parish of Limehouse, in the county of Middlesex, bounded on the south side thereof by Northey Street aforesaid, on the north side thereof by Oak Lane, and on the east side thereof by Saint Andrew's Mission Church, and containing four thousand three hundred and twenty-five square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners and occupiers of the said piece or parcel of land and hereditaments are as follows :—

Owners or reputed Owners.	—	Occupiers.	40
John Samuel Phillips, Thomas Lockington Banks, James Ed- wards.	- - -	Robert Ditchett, Rebecca Gore, Henry Ghost, George Kemp, Thomas Bowhill, Jeremiah Driscoll, Mary Robinson, Mary Smallwood, John Stewart, 45 Charles Perkins, Jeremiah Cock- ling, John Price, George Shell, Edward Morrison, Ann Fry, Annie Jones, Francis Huskis- son. 50	

A.D. 1875.

A piece or parcel of land situate in or near Orchard House Place, in the parish of Poplar (All Saints), in the county of Middlesex, bounded on the east side thereof by Orchard House Place aforesaid, and on the north side thereof by Duke Street, and containing two thousand eight hundred and twenty-three square feet or thereabouts, together with all and singular the messuages, tenements, and buildings (if any) now standing and being thereon, with their appurtenances. The names of the owner and lessees of the said piece or parcel of land and hereditaments are as follows :—

Owner or reputed Owner.	Lessees or reputed Lessees.	—
10 Sir Frederick Wel- lington John Fitz- wigram.	The School Board for London.	

A piece or parcel of land situate in or near Vere Street, in the parish of Saint Clement Danes, in the county of Middlesex, bounded on the south side thereof by Vere Street aforesaid, and on the east side thereof by Sheffield Street, and on the north side thereof by Bear Yard, and containing eight thousand six hundred and seventy-one square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
25 Dr. T. G. Atkinson, Elizabeth Trevis, Mrs. Catherine Rudall, Thomas Hughes, Welbury James Mitton, John Isaacs, Mrs. Dorcas Seymour, Thomas 30 Hicks, Sir Francis Hicks, Joseph Birch, Board of Works for Strand District.	Samuel Goddard, Jane Sims, Henry Ellis, Thomas Flight, George Goddard, John Willis.	William Williams, Maria Child, James Crow, James Thrower, Michael Isaacs, Dennis Leonard, Bartholomew Bryan, Dennis Ring, John Jago, John Potts, Albert Dimerow, Mary Flynn, Sarah Simmons, Elizabeth Re- becca Clark, Ann Hollands, James Joyce, Richard Hoy, Mr. Daniell, George Thompson, Harry Dixon, Sarah Windred, John Purslow, Frank Hudson, William Tilk, W. Dunning, Francis Beasley, Alfred Vaug- han, Daniel Ward, John Dono- van, Jane Sims, John Willis, Elizabeth Trevis, Joseph Birch.

A piece or parcel of land situate in or near King Street, Soho, in the parish of Saint Paul, Covent Garden, in the county of Middlesex, bounded on the north-west side thereof by King Street aforesaid, on the north-east by Hayes Court, and on the south-west by Nassau Street, and containing five thousand eight hundred and sixty square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

A.D. 1875.

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Revd. J. Durell Durell, Frédéric T. Durell Durell, James Wil- liam Chalmer, Rich- ard Chadwick, Ovid Ottley, James Day, John E. Gardner.	John Heath, Mrs. Mar- tinson, William Moon, John Biggs.	Mr. Paule, Charles Clark, Edward Benson, Mrs. Elvery, Wm. Wall, Henry Manchester, Richard West, Henry Thick, Henry El- 5 very, Gaetano Massarenti, Mr. O'Shea, Mrs. Harrington, Tho- mas Parker, Mrs. Hayes, Mrs. Sarah Carter, Signor Mosco, Mr. Booker, Mr. Alexander, 10 James Thwaites, Alexander Ross, Edwin Tuck, James At- kinson, John Heath, John Biggs.

A piece or parcel of land situate in or near Horseferry Road, in the parish 15
of Saint John the Evangelist, in the county of Middlesex, bounded on the
north by Romney Street, and on the south by Horseferry Road aforesaid, on
the east by the rear of houses in Tufton Street, and on the west by the rear of
houses in Marsham Street, and containing nine thousand seven hundred and
fifty-three square feet or thereabouts, together with all and singular the 20
messuages, tenements, and buildings now standing and being thereon, with
their appurtenances. The names of the owners, lessees, and occupiers of the
said piece or parcel of land and hereditaments are as follows :—

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Messrs. Shearer, Smith, & Co., Robert How Shanks, Robert Mor- gan, James Muir, H. Vanvoorst.	William Henry Cope, Arthur Cope, Samuel Pellifer, G. N. Tur- ner, H. C. Draper, Mrs. Isabella Wright, Mrs. Eleanor Roser, Robert Rushbrooke, Messrs. Shearer Smith & Co.	Edward Miller, Charles Hawter, 25 William Walmesley, Mr. Webb, H. T. Till, Mr. Attwood, John Tilby, M. McCarthy, Mr. Jones, Mr. Such, John Adams, Mrs. Carr, Mr. Weatherly, Mr. 30 Brooks, Mrs. Bennett, Messrs. T. Guffin & Co., Mrs. Francis, Henry Darch, Mrs. Isabella Wright, William Heppeth, Mrs. Philps, Mrs. Cook, Mrs. Rey- 35 nolds, Mr. Howe, James Kemp, William Richardson, George Sanderson, Thomas Wilmshurst, William Howard, Charles Wing, James Fitch, Harriet Sargeant, 40 Mrs. Long, Harriet Snell.

A piece or parcel of land situate in or near Cook's Ground, in the parish of
Chelsea, in the county of Middlesex, at the end of Garden Grove, bounded on
the east and south by land and premises belonging to the School Board for
London, and containing nine hundred and twenty-nine square feet or there- 45
abouts, together with all and singular the messuages, tenements, and buildings
now standing and being thereon, with their appurtenances. The names of the

owner, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows:— A.D. 1875.

	Owner or reputed Owner.	Lessees or reputed Lessees.	Occupiers.
5	Mrs. C. H. Broome -	Richard Hay, Henry Oxford.	John Hill, Mrs. Deacon.

A piece or parcel of land situate in or near Waterloo Street, in the parish of Hammersmith, in the county of Middlesex, bounded on the north-east by Chapel Street, and on the north by land and premises belonging to the School Board for London, and containing two thousand three hundred and twenty
10 square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows:—

	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
15	The Ecclesiastical Commissioners for England, Henry Smart.	Henry Heard, Alfred Bird, William Greig.	Alfred Brazier, Richard Powell, Mr. Welwyn.

Two pieces or parcels of land situate in or near Tower Street, in the parish of Saint Giles-in-the-Fields, in the county of Middlesex, one (containing two
20 thousand eight hundred and thirty-six square feet) bounded on the north by Little Earl Street, and on the south by land and premises belonging to the School Board for London, and the other (containing one thousand two hundred and seventy-five square feet) bounded on the east and north-east by Lumber
25 Court, on the north by the rear of houses in Little Earl Street, and on the south by land and premises belonging to the School Board for London, together with all and singular the messuages, tenements, and buildings now standing and being thereon respectively, with their appurtenances. The names of the owners, lessees, and occupiers of the said pieces or parcels
30 of land and hereditaments are as follows:—

	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
35	Thomas Oliver, Frederick Smith, George Adam Young, Joseph Bannister, William George Smith.	Mrs. Matilda Brownell, Richard Langley Solomon Hood, Mrs. Irwin, William Irwin, Mrs. Elizabeth Soans, Robert Orme, James Lewis.	James Lewis, William Irwin, Mrs. Elizabeth Soans, William Frost, Thomas Bridge, James Atkins, James F. Whight, Mr. Viall, Mr. Crawley, Mr. Hudson, Mr. Williams, Mr. Major, Isaac Brown, Mrs. Tree, Mrs. Davis, Henry White, Charles Riding.

A.D. 1875.

A piece or parcel of land situate in or near Princes Street, in the parish of Saint Andrew (Holborn), in the county of Middlesex, bounded on the north-west partly by Princes Street aforesaid, and partly by premises situate in Princes Street aforesaid, on the north-east by the rears of houses in Bedford Row, and on the south-east partly by Gray's Inn Passage, and partly by the 5 rears of houses in Gray's Inn Passage, and containing ten thousand eight hundred and three square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

10

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	
The Trustees of the Bedford Charity.	Thomas Newman, Messrs. Hallows, Price and Hallows, Thomas Parker, William Bealby, Henry Dunning, George Deacon, John Lloyd, Mrs. Mary Ann Fisher.	John Bird, William Read, The New River Waterworks Company, The Metropolitan Board of Works for Holborn District, The London Gaslight Company, Mrs. Mary Hicks, Edward Ware, Mr. Grant, George Phillips, Edward Emerson, James Simey, Caroline Stoner, Robert Aldridge, Thomas Newman, John Lloyd, Henry Dunning, William Bealby.	15 20

A piece or parcel of land situate in or near Laystall Street, in the parish of Saint Andrew (Holborn), in the county of Middlesex, bounded on the north by 25 Poole's Buildings, on the east by Mount Pleasant, and on the south by a public-house, situate at the junction of Mount Pleasant and Laystall Street, and containing seven hundred and twenty square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners of the 30 said piece or parcel of land and hereditaments are as follows :—

Owners or reputed Owners.	—	—	
Mrs. Mary Hallings, Miss Mary Tatham, Charles Rudd Tatham.			35

Two pieces or parcels of land situate in or near Eagle Court, in the parish of Clerkenwell, in the county of Middlesex respectively, bounded on the north-west by Albion Place, and on the south-east by land and premises belonging to the School Board for London, and containing respectively five 40 hundred and sixty square feet, and five hundred and ten square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon respectively, with their appurtenances. The names of the owner, lessees, and occupiers of the said pieces or parcels of land and hereditaments are as follows :—

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A.D. 1875.

Owner or reputed Owner.	Lessees or reputed Lessees.	Occupiers.
Stephen Grange -	Charles Woodward, George Oliver, Lieut.- Col. W. L. Walker, Richard Ramsden, Farrer Horschell, George Young.	Mrs. Hannah Fellows, Henry Searle, Henry Pike, John Hall Mr. Bowden, Mr. Smith, John Taylor, James Taylor, Mrs. Lawrence, Mr. Pitter, George Young.

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A piece or parcel of land situate in or near Gifford Street, in the parish of Islington, in the county of Middlesex, and being part of the west end of Gifford Street aforesaid, and bounded on the west by premises now being purchased by the School Board for London, and containing one thousand six hundred square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners of the said piece or parcel of land and hereditaments are as follows :—

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Owners or reputed Owners.	—	—
The Vestry of St. Mary, Islington.		

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A piece or parcel of land situate in or near to Charles Street, Goswell Road, in the parish of Saint Luke, in the county of Middlesex, and bounded on the north-west by Charles Street, on the north-east by Cross Street, and on the south-east by Mason's Place, and containing nine thousand two hundred and ninety-two square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owner, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

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Owner or reputed Owner.	Lessees or reputed Lessees.	Occupiers.
Marquis of Northampton.	George Croshaw, Joseph Keeves, Mrs. Jane M. Tills, Joseph Davies Samuel Lenton, William Creed Pilcher, William Hill.	Arthur O'Keef, Mrs. Cook, Andrew Roberts, Joseph Thomas Poole, Henry Bryant, Mrs. Susan Parker, Mr. Holt, Edward Perry, Elizabeth Jacobs, Samuel Lenton, Mrs. Jane M. Tills, Samuel Fisher, M. Beasley, Mrs. S. Hayford, James Scott, Mrs. S. Lowe, Mrs. A. Journet, George Wicks, John Wicks, Mrs. Ellen Wicks, Mrs. Alice Wicks, Richard Chillingworth, John Cooper, Mrs. Eliza Causer, Mrs. Elizabeth Lark, Henry Sales, Mrs. Elizabeth Restall, William Rogers, Henry Roush, James Smith Palmer, Mrs. Sarah Moss, John Wilson, George Moffit, William Waple, Henry Barnes, Mrs. Elizabeth Williams, Mrs. Sarah Brogden, James McNaughton.

A.D. 1875.

A piece or parcel of land situate in or near Blundell Street, in the parish of Islington, in the county of Middlesex, bounded on the south-east by Blundell Street aforesaid, and on the north-east by land and premises belonging to the School Board for London, and containing one thousand one hundred and twenty square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owner, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

5

Owner or reputed Owner.	Lessees or reputed Lessees.	Occupiers.	
George Thornhill -	George Wadley, William Charles Day, The Third Householders Mutual Benefit Society.	William Charles Day, Henry Law Alfred Mitchell.	10

A piece or parcel of land situate in or near Rutland Place, Hornsey Road, in the parish of Islington, in the county of Middlesex, bounded on the south-west by Rutland Place aforesaid, and on the north-west by land and premises belonging to the School Board for London, and containing eight hundred and forty-four square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owner, lessee, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

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Owner or reputed Owner.	Lessee or reputed Lessee.	Occupiers.	
William John Banks -	William Grose - -	John Kelly, Mrs. Hanley, Mr. Wade, John Nash.	

A piece or parcel of land situate in or near Duke Street, in the parish of Saint Paul, Deptford, in the county of Kent, bounded on part of the south-west side thereof by Duke Street aforesaid, and on other part by land and premises belonging to the School Board for London, on the north-west side thereof by the rears of premises in Rolt Street, and on the north-east side thereof by Evelyn Street, and containing nine thousand one hundred and two square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owner, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

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Owner or reputed Owner.	Lessees or reputed Lessees.	Occupiers.	
William J. Evelyn -	James Groat, Duncan Jenkins.	Duncan Jenkins, Richard T. Wise, Mrs. Betsy Whitton, James Duck, John Grant, George Henley, William Redwood, James Thorn, John Turrell, Mrs. Elizabeth Ford, James Sampson, Frederick Harding, Alfred Allard, Mrs. Mary Cummins.	35
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A piece or parcel of land situate in or near Creek Road, in the parish of Deptford (Saint Nicholas), in the county of Kent, bounded on the north-west by land and premises belonging to the School Board for London, on the south-west by a passage leading from Creek Road to Bonus Buildings, and containing
5 four thousand six hundred and fifty square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessee, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

10 Owners or reputed Owners.	Lessee or reputed Lessee.	Occupiers.
The Trustees of the Will of the late J. P. Poyer.	Richard Wheen - - -	Mrs. Baker, Mrs. Austin, Mrs. Lawrence, Robert Wyman.

A piece or parcel of land situate in or near Silver Street, in the parish of Lewisham, in the county of Kent, bounded on the north by land and premises
15 belonging to the School Board for London, and on the west by Silver Street aforesaid, and containing eight thousand seven hundred and sixty square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessee, and occupiers of the said piece or parcel of land
20 and hereditaments are as follows :—

Owners or reputed Owners.	Lessee or reputed Lessee.	Occupiers.
John Fox, Charles Fox	Samuel John Jerrard -	Mrs. S. Caroline, Mrs. Carter.

Two pieces or parcels of land situate in or near Tottenham Road, in the parish of Hackney, in the county of Middlesex, respectively bounded on the east
25 by Tottenham Square, and one of which, containing one thousand one hundred and nine square feet or thereabouts, is bounded on the south by Tottenham Road aforesaid, on the west by land and premises belonging to the School Board for London, and on the north by premises facing into Tottenham Square aforesaid, and the other of which, containing seven hundred and forty-four
30 square feet or thereabouts, is bounded on the south by premises facing into Tottenham Square aforesaid, on the west by land and premises belonging to the School Board for London, and on the north by other premises facing into Tottenham Square aforesaid, together with all and singular the messuages, tenements, and buildings now standing and being thereon respectively, with
35 their appurtenances. The names of the owner, lessees, and occupiers of the said pieces or parcels of land and hereditaments are as follows :—

Owner or reputed Owner.	Lessees or reputed Lessees.	Occupiers.
40 Richard Benyon -	Morris Jones, Daniel King, John Weston, The Bayswater Building Society.	John Weston, Frederick Moore, J. Kempton, Mrs. Dalby, Mrs. Beck.

A.D. 1875.

A piece or parcel of land situate in or near London Fields, in the parish of Hackney, in the county of Middlesex, and bounded on part of the north side thereof by West Street, and on other part of the said north side thereof by land and premises belonging to the School Board for London, and on the east side thereof by Sheep Lane, and containing eight thousand four hundred and thirty-four square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners and occupier of the said piece or parcel of land and hereditaments are as follows :—

5

Owners or reputed Owners.	—	Occupier.	10
Amhurst Tyssen Amhurst, Thomas Gaskell, Henry Nixon.	- - - -	William Halford.	

A piece or parcel of land situate in or near Park Street and Grosvenor Street, in the parish of Saint Matthew, Bethnal Green, in the county of Middlesex, bounded on the north by Grosvenor Street aforesaid, on the south by Park Street aforesaid, and on the west by land and premises belonging to the School Board for London, and containing five thousand two hundred and twenty-eight square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

15

20

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	
The Moravian Trust Society.	Stephen Westbrook, Samuel Law, John Hammond Hunt, James Risdén Bennett.	Abraham Kirby, John Dulien, George Richards, George Richards, Jacob Boynett, John Sinfield, William Cooper, William Denton, Joshua Newey, James Dove.	25

A piece or parcel of land situate in or near Durham Street, in the parish of Saint Matthew, Bethnal Green, in the county of Middlesex, bounded on the east by Durham Street aforesaid, on the south by houses in Durham Street aforesaid, and which said piece or parcel of land adjoins the north-east corner of land and premises belonging to the School Board for London, and containing five thousand four hundred and forty-two square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

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35

A.D. 1875.

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
5 Miss Matilda Merceron, Miss Elizabeth Merceron.	C. J. S. Shaw, William Dockin.	Edward Fountain, G. Terry, James Jenkins, John Clarke, William Goddard, Miss Bates, John Williams, David Brown, Miss Lorkin, Henry Smith, Mr. Tebbut, Alfred Stiggles, Mr. Hutchins.

10 A piece or parcel of land situate in or near New Castle Street, in the parish of Bethnal Green, in the county of Middlesex, bounded on part of the north-east side thereof by New Castle Street aforesaid, and on other part by land and premises belonging to the School Board for London, on part of the north-west side thereof by land and premises belonging to the said School Board for London, and on other part by Castle Square, and on the greater part of the
15 south-west side thereof by Castle Square aforesaid, and containing three thousand eight hundred and thirty-nine square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owner, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

Owner or reputed Owner.	Lessees or reputed Lessees.	Occupiers.
25 Sir Thomas Edward Colebrook.	Henry F. Wearing, John Austin, William Davis Collins, Samuel Molyneux.	Henry Colewell, Mrs. Mary Baldwin, Mrs. Eliza Jones, Charles Rider, Mrs. Sarah Bolton, William Whitehead, Mrs. Ann Jolly, William Joseph Abbott, James Hall, Charles Braxbrook, Charles Oliver, William Estall, Henry Jacobs.

30 A piece or parcel of land situate in or near Ravenscroft Street and James Street, in the parish of Bethnal Green, in the county of Middlesex, bounded on the north by James Street aforesaid, on the west by Ravenscroft Street aforesaid, on the south by the rear of premises in Barnet Street, and on the east by land and premises belonging to the School Board for London, and containing
35 eight thousand and seventy-six square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessee, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

Owners or reputed Owners.	Lessee or reputed Lessee.	Occupiers.
40 The Trustees of the Chipping Barnet Chancel Estate.	Thomas Luckhurst	George Lemay, F. English, Frederick Hammond, William Brown, Henry Gray, Charles Hayley, William Range, Mr. Hekman, William Wilson, Frederick Clark, Richard Nutt.

A.D. 1875. A piece or parcel of land situate in or near Shap Street, in the parish of Shoreditch (Saint Leonard), in the county of Middlesex, bounded on the south by Pearson Street, on the west by Ormsby Street, on the east by Shap Street aforesaid, and on the north by land and premises belonging to the School Board for London, and containing ten thousand one hundred and twenty-five square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	
Mrs. Sarah Pearson, Miss Harriett Pearson, Miss Frances Pearson, John Michael Pearson, George Greenwood Pearson, Charles Fellows Pearson, Thomas Pix Cobb, John Jefferies.	Miss Lucy Sharpe, Henry Sharpe, Reginald A. Parker, James Duck, John Waterman, Robert Lindsey, T. W. Hodges, Henry Longhurst, Francis H. Foweraker.	Edwin Prevost, Thomas Dawson, George Gregory, Charles Julian, Edward Barrett, Walter A. Lockyer, James Thoms, Mr. Parker, Alfred Excell, James Thomas Barnett, William Aldridge, Thomas Jenkins, Mrs. Erskine, James Warden, Mr. Brooking, Miss Mary Osborne, Mrs. Gibson, Henry Longhurst, James Duck.	10 15 20

A piece or parcel of land situate in or near Livingstone Road, in the parish of Battersea, in the county of Surrey, bounded on the south-west side of Livingstone Road, and abutting south-west on the premises of the School Board for London, together with the piece or parcel of land adjoining, situate on the south-east side of Palk Road, and containing eight thousand six hundred and fifty square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners and occupiers of the said piece or parcel of land and hereditaments are as follows:—

Owners or reputed Owners.	— \	Occupiers.
William Booker, Joseph Temple, Henry Clark.	- - -	Henry Clark, George Haynes.

A piece or parcel of land situate in or near Vauxhall Street, in the parish of Saint Mary, Lambeth, in the county of Surrey, bounded on the east by Vauxhall Street aforesaid, on the south by land and premises belonging to the School Board for London, and on the west by premises situate in Wickham Street, and containing two thousand square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessee, and occupier of the said piece or parcel of land and hereditaments are as follows:—

A.D. 1875.
—

Owners or reputed Owners.	Lessee or reputed Lessee.	Occupiers.
H.R.H. the Prince of Wales, the Revd. W W. Poley, Mrs. M. T. W. Poley.	John Worsley Phillips -	Mrs. Eliza Ann Oulds.

A piece or parcel of land situate in or near Harper Street, in the parish of Newington, in the county of Surrey, bounded on the north by land and premises belonging to the School Board for London, on the west by Harper Street aforesaid, and on the south by Arnott Street, and containing nine thousand six hundred and thirty-nine square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owner, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

Owner or reputed Owner.	Lessees or reputed Lessees.	Occupiers.
J. W. Theobald -	Mrs. Henrietta Smith, Mrs. M. Holworthy, William Rothery, John Alexander, William Harper, Samuel B. Harper, Edward N. Harper, Thomas N. Harper, Stephen Ponder, Thomas Ponder, William Ponder.	John Brown, Mrs. Foster, William Powell, Thomas Cross, Mr. Leonard, Benjamin Dunn, Job Charlton, Zacariah Twicker, Walter Hayball, Mrs. Cushion, Charles Compton, Mrs. Briggs, Mrs. Algar, Henry Johnson, Alfred Rogers, Mrs. Holland, Mark Rossiter, Mrs. Smith, F. Walker, George Ballard, George Harmsworth, Stephen Madell, Edwin Smith, William Lawley, Thomas Stokes.

Two pieces or parcels of land situate in or near Deans Buildings and Flint Street, in the parish of Newington, in the county of Surrey, and one of which containing six thousand three hundred and seventy-six square feet or thereabouts, is bounded on the north-west by Deans Buildings aforesaid, on the north-east by Flint Street, and on the south-east and south-west by land and premises the property of the School Board for London; and the other of which, containing seven thousand one hundred and ninety-seven square feet or thereabouts, is bounded on the north-west by Deans Buildings aforesaid, and on the north-east and east by land and premises belonging to the said School Board, together with all and singular the messuages, tenements, and buildings now standing and being thereon respectively, with their appurtenances. The names of the owners, lessees, and occupiers of the said pieces or parcels of land and hereditaments are as follows :—

32 *Elementary Education Provisional Order* [38 & 39 VICT.]
Confirmation (London).

A.D. 1875.

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
The Ecclesiastical Commissioners for England, Henry Eardley Aylmer Dalbiac, Charles Snell Paris, Henry Parker, Mrs. E. Malteau.	William Longley, Miss Muggeridge, Joseph Black, J. Huntingdon, H. Mann, William Oakley.	William Longley, William Oakley, William Johnson, James Johnson, Mrs. Brookman, William Palmer, Joseph F. Marshall, Mrs. Hannah Miller, Henry Pettifer, Alfred Donnell, John Lands, Charles Portman, Richard Battley, William Partridge, Charles Hermann, Henry Nunn, Joshua Meader, John Shields, John Rolls, Benjamin Grove, Robert Corne, Richard Page, George Kimber, Henry Atchelor, William Lockyer, John Frewen, John Turner, Charles Warner, Edward Russell, William Baker, William Rogers, Mrs. Ellen Collins, Thomas P. Salter, John Salter, George Moseley.

A piece or parcel of land situate on the east side of Jardin Street, in the parish of Saint Giles, Camberwell, in the county of Surrey, and bounded on the east by land and premises belonging to the School Board for London, and on the north by the Swiss Cottage, and containing one thousand two hundred square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owner, lessee, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

Owner or reputed Owner.	Lessee or reputed Lessee.	Occupiers.
John Allan Rolls -	Thomas Taylor -	William Bailey, James Earley.

A piece or parcel of land situate on the south side of Southampton Street, in the parish of Saint Giles, Camberwell, in the county of Surrey, bounded on the south-west by land and premises belonging to the School Board for London, and on the south by the rear of houses in Harris Place, and containing seven thousand three hundred and fifty-six square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Henry Harris, Samuel Harris, David Hyman, Mrs. Hannah Hyman, William Adrian Delferier, Joseph Coombs.	Christopher Roughton, George Fuller.	George Hinds, J. Blackler, Edward Jones, Mrs. Hitchcock, Samuel Mitchell, George Fuller.

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A piece or parcel of land situate on the north side of a lane running west from Sumner Road, in the parish of Camberwell, in the county of Surrey, and bounded on the east by land and premises belonging to the School Board for London, and on the west and north by waste land, and containing ten thousand
5 four hundred square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owner and occupier of the said piece or parcel of land and hereditaments are as follows :—

	Owner or reputed Owner.	—	Occupier.
10	Miss Elizabeth Caroline Naylor.	- - - -	James Tabbles.

Two pieces or parcels of land situate on the south side of New Road, Battersea, in the parish of Clapham, in the county of Surrey, one containing six thousand eight hundred and eighty-eight square feet or thereabouts, bounded
15 on the east by land and premises belonging to the School Board for London, and on the south by Howard Street ; and the other containing one thousand three hundred and five square feet or thereabouts, bounded on the south and west by land and premises belonging to the said School Board, together with
20 all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owner, lessees, and occupiers of the said pieces or parcels of land and hereditaments are as follows :—

	Owner or reputed Owner.	Lessees or reputed Lessees.	Occupiers.
25	James John Seymour Spencer Lucas.	John Brooks, Henry York.	William York, John Ellis, Charles Hayward, Thomas White, Mr. Brewer, Charles Burrows, George Parsons, Henry York.

A piece or parcel of land situate on the north-east side of Great College Street, in the parish of Saint Pancras, in the county of Middlesex, and bounded
30 on the south by Reed's Place, and containing twenty-three thousand eight hundred and seventy-six square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as
35 follows :—

A.D. 1875.

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Revd. Thomas Randolph, Herbert Harley Murray, Alexander John Robert Stewart, The Marquis Camden, W. H. Gill.	Mrs. Sarah Taylor Horwill, William Jones, James Page.	William Jones, Andrew Story, Thomas Gleed, Joseph Osborne, Thomas Harris, Samuel Orpen, Mr. Higgins, Mr. Neet, Adolphus W. Swaine, John Wiltshire, William Sherwood, Mr. Hanewell, Thomas Cooper, Eugene Bewley, Thomas Lovejoy, Robert Woolley, Mrs. Ann Taylor, Edward Dorman, Richard King.

A piece or parcel of land situate in or near Cathcart Street, in the parish of Saint Pancras, in the county of Middlesex, bounded on the north-west in part by land and premises belonging to the School Board for London, and in other part by premises in Mansfield Road, on the south-east in part by Cathcart Street aforesaid, and in other part by the rear of premises in Cathcart Street, and containing two thousand four hundred and twenty-three square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
John E. Lawford, William Holmes.	James Jones, Charles Pollard, Anthony Bessemer, Richard John Allen.	Charles Pollard, Richard John Allen.

A piece or parcel of land situate on the west side of Stafford Street, in the parish of Saint Marylebone, in the county of Middlesex, bounded on the north by Stephen Street, and on the west by land and premises belonging to the School Board for London, and containing four thousand five hundred and seventy-nine square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owner, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

A.D. 1875.

Owner or reputed Owner.	Lessees or reputed Lessees.	Occupiers.
5 Sir Edward Baker Baker.	George White, Alfred Coleman, Thomas Cozens, J. Cabburn, J. Dovey, J. T. Boul- den, Geo. Harding, William Reeve, Henry Gore Chandless, Charles Chambers, William House, Mark Mayho, Albert Cook, Oakley Coles, F. Shepherd, Mr. Bow- man.	Mrs. Chislett, Mrs. Wizard, Mr. Badcock, William Bir- mingham, Mr. Hunt, Mr. Cheller, Mr. Reggin, Mr. Smith, Mr. Devine, Mr. Thomas Kellar, John Hide, Alfred Thompson, Mr. Hardy, Miss Bayless, Mr. Ribeare, Mr. Theobald, Mr. Bruce, Thomas Foster, Mr. Fielder, Mr. Hof- merger, William Byles, Mr. Thorpe, Michael Burke, James Bryan, William May, George Upton, Timothy O'Brien, William Bartlett, Henry Red- mond, Harry Willye, Daniel Stuart, George Collins, Miss Oliver, Ann Spenceley, John Raven, William Jones, Edward Brown, Mrs. Eliza Pratt, Mrs. Elizabeth Bayford, William Holloway, William H. Foster, Henry Francis, Mr. Bentley, Mr. Swilley, Alfred Coleman.
10		
15		
20		
25		

30 A piece or parcel of land situate on the west side of Burrows Mews, in the parish of Christchurch, in the county of Surrey, bounded on the west by land and premises belonging to the School Board for London, and on the north and south by premises in Burrows Mews, and containing two thousand seven hun- dred and fifty-two square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
35 John P. Smith, Thomas Lamb Smith, Mrs. Rachel Wyburn.	Robert Bayspoole, John Elliot Snow, Messrs. Hudson Brothers.	Charles Weller, James Hart.

40 A piece or parcel of land situate on the south side of Webber Row, in the parish of Saint George-the-Martyr, in the county of Surrey, bounded on the east and south by land and premises belonging to the School Board for London, and containing one thousand four hundred and thirty-nine square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of
45 land and hereditaments are as follows :—

36 *Elementary Education Provisional Order [38 & 39 VICT.]*
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Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
William Edwin Hedger, Frederick Hedger, the Trustees of the Magdalen Hospital.	William Henry Bishop, William Harris, William Gardner Warton.	Susannah Cutting, Joseph Sewell, Charles Cook, Walter Brew, Samuel Walton, George Fall.

5

A piece or parcel of land situate on the south side of Dukes Court, in the parish of Saint Saviour, in the county of Surrey, bounded on the south by land and premises belonging to the School Board for London, and on the east by a passage leading from Orange Street to Duke Court, and containing one thousand six hundred square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
The Ecclesiastical Commissioners for England.	George Baxter, William Baxter.	James Addy, William Roberts, Charles Cox, Mrs. M. Barry, Mrs. A. Edwards, Michael Cormack, Mrs. C. Welsh, Michael Collins, William Sander- ford, Michael Sullivan, Robert Walker, Mrs. H. Day, William Garde.

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A piece or parcel of land situate on the south-west side of Fair Street, in the parish of Saint John, Horslydown, in the county of Surrey, bounded on the south-east and part of south-west by land and premises belonging to the School Board for London, and in other part of the south-west by rear of premises in Church Row, and containing three thousand two hundred and sixty-two square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessee, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

Owners or reputed Owners.	Lessee or reputed Lessee.	Occupiers.
The Governors of St. Olave's Grammar School.	John Henry Heath	James Saunders, William Musseus, Stephen Gould, Joseph England, Ann Hiarst, Charlotte Claxton, Charlotte Quince, W. Buckley, Michael Sexton, William Bell- man, William Stokes, William Morley, William Day, John Coleman, Mrs. Sales, Joseph Pigood, Daniel Bowles.

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A.D. 1875.

A piece or parcel of land situate on the east side of Mellick's Place, in the parish of Bermondsey, in the county of Surrey, bounded on the north and part of east by land and premises belonging to the School Board for London, and in other part of the east by the rear of houses in Riley Street, and containing 5 three thousand and seventy square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows:—

	Owner or reputed Owner.	Lessees or reputed Lessees.	Occupiers.
10	The School Board for London.	Mrs. Esther Burnett, Mrs. Sarah Rigg.	Thomas Howell, John Vintres, Thomas Williams, John Green, Edward Hill, Thomas Wright, Thomas Cannon.

A piece or parcel of land situate on the west side of Neckinger Road, in the parish of Bermondsey, in the county of Surrey, bounded on the north by Horney Lane, and on the west by a tannery in Horney Lane, and containing 15 five thousand one hundred and sixty square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owner and 20 occupier of the said piece or parcel of land and hereditaments are as follows:—

	Owner or reputed Owner.	—	Occupier.
	Miss Mary Ann Ray -	-	Charles Fardell.

A piece or parcel of land situate on the south-west side of Jamaica Level, in the parish of Bermondsey, in the county of Surrey, bounded on the north- 25 west by land and premises belonging to the School Board for London, and on the south-east by a passage running south-west from Jamaica Level, and containing three thousand seven hundred and fifty-six square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of 30 the owner and occupiers of the said piece or parcel of land and hereditaments are as follows:—

	Owner or reputed Owner.	—	Occupiers.
	Alexander F. Gardner -	-	Mrs. Hannah Meadows, John Hayter.

A.D. 1875. A piece or parcel of land situate on the south side of Bucks Row, in the parish of Whitechapel, in the county of Middlesex, bounded on the south side by Little North Street, and on the west by land and premises belonging to the School Board for London, and containing three thousand six hundred square feet or thereabouts, together with all and singular the messuages, tenements, 5 and buildings now standing and being thereon, with their appurtenances. The names of the owners and occupiers of the said piece or parcel of land and hereditaments are as follows :—

Owners or reputed Owners.	—	Occupiers.
The East London Railway Company.	- - -	The East London Railway Company. 10

Two pieces or parcels of land, one containing one thousand six hundred and fifty-two square feet or thereabouts, being situate on the east side of Baker Street, in the parish of Mile End, Old Town, in the county of Middlesex, and bounded on the east by the playground of the Baker Street School, and 15 on the south by a passage running east from Baker Street, and the other containing nine hundred and eighty-seven square feet or thereabouts, being situate on the west side of John's Place, in the same parish, and bounded on the north and south by houses in John's Place, and on the west by No. 40, Baker Street, together with all and singular the messuages, tenements, and buildings 20 now standing and being thereon respectively, with their appurtenances. The names of the owners, lessees, and occupiers of the said pieces or parcels of land and hereditaments are as follows :—

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Edward Lightfoot, Colonel Sydney Hawkins, Edward Goslin.	William Lamb, William Boyd, Edward Holland.	Mrs. Catherine Cooper, Mrs. Elizabeth Roberts, Joseph Geelbrook, William Whatmore, Henry Marsh, Henry Higgs, Eliza Lewin, Mrs. Ann Smellie, William Stevens, Mrs. Ann Dawson, Mrs. Eliza Smith, John Greenwood, William Stevens, Mrs. Catherine Bryant, Mrs. Eliza Anderson, Mrs. Charlotte Anderson, Mrs. Margaret Stevens. 25 30 35

Two pieces or parcels of land situate on the north side of High Street, in the parish of Shadwell, in the county of Middlesex, the one containing three thousand two hundred and eighty-seven square feet or thereabouts, being bounded on the north by land and premises belonging to the School Board for London, and on the east by a passage running north from the High Street aforesaid, and the other containing four thousand four hundred and eighteen square feet or thereabouts, being bounded on the west by the said passage, on 40

A.D. 1875.

the east by Chancery Court, and on the north by land and premises belonging to the said School Board, together with all and singular the messuages, tenements, and buildings now standing and being thereon respectively, with their appurtenances. The names of the owners, lessees, and occupiers of the said pieces or parcels of land and hereditaments are as follows:—

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
10 Kerwan J. Fernie, Mrs. Ann C. Fernie, Samuel Jeggins, Sir Thomas Edward Colebrook, Thomas Smellie, Harry Pedley.	Samuel Levy, W. J. Smellie, Banister Fletcher, Henry T. Bayley, Walter Sargent, Mrs. Mary Jones, James Johnson, Charles Page, Nathan Goldstein.	Richard Burrige, Asher Harris, Charles Page, Walter Sargent, Henry T. Bayley, The Limehouse District Board of Works.

15 A piece or parcel of land lying between Halley Street on the south and Rhodeswell Road on the north, in the parish of Limehouse, in the county of Middlesex, bounded on the east in part by houses in Rhodeswell Road aforesaid, and in other part by land and premises belonging to the School Board for London, and containing six thousand six hundred and twenty-three square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows:—

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
25 William Clegg, John Lilley, Mrs. Elizabeth Butler, Revd. John B. M. Butler.	John Ford, John Claydon, William Hopson, John Burton.	Alfred Horn, Samuel Edwards, Henry Harvey, Thomas White, George Williams, Henry William Bridges, John Burton.

30 A piece or parcel of land lying between British Street, on the south-east and Cahir Street on the north-west, in the parish of Poplar, in the county of Middlesex, bounded on the north-east by land and premises belonging to the School Board for London, and on the south-west by premises in West Ferry Road, and containing six thousand two hundred and seventy-five square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows:—

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
40 The Marquis of Winchester, The Honorable Francis Charteres, Sir Edward C. Kerrison, The Earl of Bessborough.	Richard Jones, Edward Russell.	Elijah Thompson, Mr. Ruffells, Hugh Douglas, Mr. Bates, Richard Jones.

A.D. 1875. Two pieces or parcels of land lying between Richard Street on the south and Southill Street on the north, in the parish of Poplar, in the county of Middlesex, one containing five thousand one hundred square feet or thereabouts, being bounded on the east by land and premises belonging to the School Board for London, and on the west by Reeve Street, and the other containing two thousand one hundred and forty-three square feet or thereabouts, bounded on the west by land and premises belonging to the said School Board, together with all and singular the messuages, tenements, and buildings now standing and being thereon respectively, with their appurtenances. The names of the owners, lessees, and occupiers of the said pieces or parcels of land and hereditaments are as follows :—

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Richard Herve Giraud, John Cook, Thomas Cook, H. A. Giraud, Thomas F. Blackwell, Samuel J. Blackwell, Miss E. C. Blackwell.	H. M. Lovell, C. H. Lovell, Thomas Warman, John Foster, William Orpwood.	Thomas Warman, John Foster, William Pycock, John Cherny, Mr. Cutler, Mr. Bayman, William Dewley, William Staples, John Amos, Charles Cooper, James George, Mrs. Stewart, John Pratt, Henry Burgess, James Beaumont, Henry Pratt, George Hooker, Stephen Read, Richard Healey, Mrs. Eliza Hodges, Matthew Westoby, Mr. Hall.

A piece or parcel of land situate on the south side of High Street, Bromley, in the parish of Bromley, in the county of Middlesex, bounded on the west by land and premises belonging to the School Board for London, and containing six thousand four hundred and twenty-seven square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owner, lessee, and occupier of the said piece or parcel of land and hereditaments are as follows :—

Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
W. C. Fooks, Q.C.	John Selby	John Selby.

A piece or parcel of land extending along the west sides of land and premises belonging to the School Board for London situate in Mary Street, in the parish of Bromley, in the county of Middlesex, bounded on the north by gardens of houses in Park Street, on the west by vacant land, and containing eight thousand four hundred and forty square feet or thereabouts. The names of the owner, lessee, and occupier of the said piece or parcel of land and hereditaments are as follows :—

A.D. 1875.

Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
Miss Nesham - -	Wolf Goldstein -	James Knight.

A piece or parcel of land situate on the north-west side of Hart Street, in the parish of Saint Paul, Covent Garden, in the county of Middlesex, and known as the Covent Garden Schools, and containing two thousand three hundred and eighty square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners and occupiers of the said piece or parcel of land and hereditaments are as follows :—

10

Owners or reputed Owners.	—	Occupiers.
George Bell, William Hooper, John Robert Hall.	- - - -	London School Board.

15

A piece or parcel of land on the south-west side of Hill Street, in the parish of Saint Paul, Deptford, in the county of Kent, and containing four thousand one hundred and twenty-eight square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The names of the owners, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

20

Owners or reputed Owners.	—	Occupiers.
John George Robson, Henry Keen, Charles Hughesdon, Jonas Broad, John Thomas Munro.	- - - -	London School Board.

25

30

A piece or parcel of land situate in or near Tweezers Alley, in the parish of Saint Clement Dane, in the county of Middlesex, bounded on the north and west by the said Tweezers Alley, on the south and east by a workshop adjoining the offices of the School Board for London, and containing three thousand four hundred and seventy square feet or thereabouts, together with all and singular the messuages, tenements, and buildings now standing and being thereon, with their appurtenances. The name of the owner and occupier of the said piece or parcel of land and hereditaments is as follows :—

35

Owner or reputed Owner.	—	Occupiers.
James Mugford Macey	- - - -	James Mugford Macey.

Elementary Education
Provisional Order
Confirmation (London)
[H.L.]

A

B I L L

INTITULED

An Act to confirm a Provisional Order
by the Education Department under the
Elementary Education Act, 1870," and
the School Board for London to put
"The Lands Clauses Consolidation Act,
1845," and the Acts amending the s

(Brought from the Lords 12 July 1875)

Ordered, by The House of Commons, to be Printed
12 July 1875.

[Bill 251.]

Under 6 oz.

A

B I L L

INTITULED

An Act to confirm a Provisional Order made by the Education Department under “The Elementary Education Act, 1870,” to enable the School Board for London to put in force “The Lands Clauses Consolidation Act, 1845,” and the Acts amending the same. A.D. 1875.

WHEREAS the Lords of the Committee of the Privy Council on Education have made a Provisional Order under the authority of the Elementary Education Act, 1870, on behalf of the School Board for London, and it is requisite that the same should
5 be confirmed by Parliament :

Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

10 1. The following Order shall be and is hereby confirmed, and from and after the passing of this Act shall have full validity and force. Confirmation of Order.

2. This Act may be cited as the Education Department Provisional Order Confirmation Act (London) (No. 2), 1875. Title of the Act.

A.D. 1875.

THE SCHOOL BOARD FOR LONDON.

*Provisional Order for putting in force the Lands Clauses
Consolidation Act, 1845.*

At the Council Chamber, the 9th day of June 1875.

WHEREAS the School Board for London require to purchase a piece of land 5
for the purposes of the Elementary Education Act, 1870, and, not having been
able to purchase the same by agreement, require to put in force the provisions
of the Lands Clauses Consolidation Act, 1845, and the Acts amending the
same, which apply to the purchase and taking of lands otherwise than by
agreement :

10

And whereas the land so required to be purchased is set forth in the schedule
hereunder written :

And whereas the said Board have made due publication of the notices, and
have duly served the same, according to the requirements of the Elementary
Education Act, 1870, and have presented a petition to the Education Depart- 15
ment praying that an Order may be made authorising the said School Board to
put in force the powers of the said Acts with respect to the purchase and
taking of lands otherwise than by agreement, in which petition were stated all
the matters required by the said Elementary Education Act to be stated
therein, and the same hath been supported by such evidence as the said 20
Education Department required :

And whereas the said Department, having considered the said petition and
the proofs of the publication and service of the proper notices, have thought fit
to proceed with the case, and have caused inquiry to be made in the district of
the said Board wherein the said land is situate as to the propriety of the 25
proposed Order :

Now, therefore, the said Department, having received a report after such
inquiry, and having duly considered the same, do hereby declare that it is
proper and do hereby order accordingly that the said Board be authorised to put
in force, with reference to the piece of land set forth in the schedule hereunder 30
written, the powers of the said Acts for the purchase and taking of lands
otherwise than by agreement, or any of them.

Signed this 9th day of June 1875.

F. R. SANDFORD,
Secretary. 35

SCHEDULE to the foregoing Order.

A piece or parcel of vacant land and site of a proposed road situate in or near Glengall Road, Cubitt Town, in the parish of All Saints, Poplar, in the county of Middlesex, on the south side of Glengall Road aforesaid, abutting
5 west on vacant land facing Glengall Road aforesaid, and east on the Jubilee Chapel, and containing 32,670 square feet or thereabouts, together with all and singular the messuages, tenements, and buildings (if any) now standing and being thereon, with their appurtenances. The names of the owners (there being no lessees or occupiers) of the said piece or parcel of land, site of proposed
10 road and hereditaments, are as follows :

Owners or reputed Owners.

15 Lady Margaret Charteris and her Trustees, videlicet,
The Hon. John Paulet, the Marquis of Winchester.
The Hon. Francis Charteris, Lord Elcho.
Sir Edward Clarence Kerrison.
The Right Hon. John George Brabazon, Earl of Bessborough.
The Millwall Dock Company.

Elementary Education
Provisional Order
Confirmation (London)
(No. 2). [H.L.]

A

B I L L

INTITLED

An Act to confirm a Provisional Order
made by the Education Department
under "The Elementary Education
Act, 1870," to enable the School
Board for London to put in force
"The Lands Clauses Consolidation
Act, 1845," and the Acts amending
the same.

(Brought from the Lords, 2 July 1875.)

Ordered, by The House of Commons, to be Printed,
6 July 1875.

[Bill 239.]

Under 1 oz.

Employers and Workmen Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

Clauses.

1. Short title.
2. Commencement of Act.

PART I.

Jurisdiction—Jurisdiction of County Court.

3. Power of county court as to ordering of payment of money, set-off, and rescission of contract, and taking security.

Court of Summary Jurisdiction.

4. Jurisdiction of justices in disputes between employers and workmen.
5. Jurisdiction of justices in disputes between masters and apprentices.
6. Powers of justices in respect of apprentices.
7. Order against surety of apprentice, and power to friend of apprentice to give security.

PART II.

Procedure.

8. Mode of giving security.
9. Summary proceedings.

PART III.

Definitions and Miscellaneous.

Definitions.

10. Definitions, "workman." "The Summary Jurisdiction Act."

Application.

11. Application to apprentices.

Saving Clause.

12. Saving of special jurisdiction, and seamen.
[Bill 203.]

PART IV.

Application of Act to Scotland.

Clauses.

13. Application to Scotland.

PART V.

Application of Act to Ireland.

14. Application to Ireland.

A
B I L L

TO

Enlarge the powers of County Courts in respect of disputes between Employers and Workmen, and to give other Courts a limited civil jurisdiction in respect of such disputes. A.D. 1875.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5

Preliminary.

1. This Act may be cited as the Employers and Workmen Act, Short title.
1875.

2. This Act, except so far as it authorises any rules to be made or other thing to be done at any time after the passing of this Act, shall come into operation on the first day of September one thousand eight hundred and seventy-five. Commence-
ment of Act.

10

PART I.

Jurisdiction—Jurisdiction of County Court.

3. In any proceeding before a county court in relation to any dispute between an employer and a workman arising out of or incidental to their relation as such (which dispute is herein-after referred to as a dispute under this Act) the court may, in addition to any jurisdiction it might have exercised if this Act had not passed, exercise all or any of the following powers; that is to say,

(1.) It may adjust and set off the one against the other all such claims on the part either of the employer or of the workman, arising out of or incidental to the relation between them, as the court may find to be subsisting, whether such claims are liquidated or unliquidated, and are for wages, damages, or otherwise; and,

15

20

Power of
county
court as to
ordering of
payment of
money, set-
off, and
rescission
of contract
and taking
security.

[Bill 203.]

A

A.D. 1875.

- (2.) If, having regard to all the circumstances of the case, is thinks it just to do so, it may rescind any contract between the employer and the workman upon such terms as to the apportionment of wages or other sums due thereunder, and as to the payment of wages or damages, or other sums due, as it thinks just; and, 5
- (3.) Where the court might otherwise award damages for any breach of contract it may, if the defendant be willing to give security to the satisfaction of the court for the performance by him of so much of his contract as remains unperformed, accept such security, and order performance of the contract accordingly, in place either of the whole of the damages which would otherwise have been awarded, or some part of such damages. 10

The security shall be an undertaking by the defendant to perform his contract, subject on non-performance to the payment of a sum to be specified in the undertaking, and may be given either with or without a surety in the manner herein-after provided. 15

If the defendant fail to comply with the provisions of any order for performance made as aforesaid, he shall be liable to be committed to prison for any period not exceeding one month, unless and until the sum for which security was given is sooner paid to the plaintiff. 20

Court of Summary Jurisdiction.

Jurisdic-
tion of
justices in
disputes
between em-
ployers and
workmen.

4. A dispute under this Act between an employer and a work- man may be heard and determined by a court of summary juris- diction, and such court, for the purposes of this Act, shall be deemed to be a court of civil jurisdiction, and in a proceeding in relation to any such dispute the court may order payment of any sum which it may find to be due as wages, or damages, or otherwise, and may exercise all or any of the powers by this Act conferred on a county court: Provided that in any proceeding in relation to any such dispute the court of summary jurisdiction— 25 30

- (1.) Shall not exercise any jurisdiction where the amount claimed exceeds ten pounds; and 35
- (2.) Shall not make an order for the payment of any sum ex- ceeding ten pounds, exclusive of the costs incurred in the case, and
- (3.) Shall not require security to an amount exceeding ten pounds from any defendant or his surety or sureties. 40

5. Any dispute between an apprentice to whom this Act applies and his master, arising out of or incidental to their relation as such, (which dispute is herein-after referred to as a dispute under this Act,) may be heard and determined by a court of summary jurisdiction.

A.D. 1875.

Jurisdiction
of justices in
disputes be-
tween mas-
ters and
apprentices.
Powers of
justices in
respect of
apprentices.

5 6. In a proceeding before a court of summary jurisdiction in relation to a dispute under this Act between a master and an apprentice, the court shall have the same powers as if the dispute were between an employer and a workman, and the master were the employer and the apprentice the workman, and the instrument of apprenticeship a contract between an employer and a workman, and shall also have the following powers :

(1.) It may make an order directing the apprentice to perform his duties under the apprenticeship ; and,

15 (2.) If it rescinds the instrument of apprenticeship it may, if it thinks it just so to do, order the whole or any part of the premium paid on the binding of the apprentice to be repaid.

Where an order is made directing an apprentice to perform his duties under the apprenticeship, the court may, from time to time, 20 if satisfied after the expiration of not less than one month from the date of the order that the apprentice has failed to comply therewith, order him to be imprisoned for a period not exceeding one month.

7. In a proceeding before a court of summary jurisdiction in 25 relation to a dispute under this Act between a master and an apprentice, if there is any person liable, under the instrument of apprenticeship, for the good conduct of the apprentice, that person may, if the court so direct, be summoned in like manner as if he were the defendant in such proceeding to attend on the hearing of 30 the proceeding, and the court may, in addition to or in substitution for any order which the court is authorised to make against the apprentice, order the person so summoned to pay damages for any breach of the contract of apprenticeship to an amount not exceeding the limit (if any) to which he is liable under the instrument of 35 apprenticeship.

Order
against
surety of
apprentice,
and power
to friend of
apprentice
to give
security.

The court may, if the person so summoned, or any other person, is willing to give security to the satisfaction of the court for the performance by the apprentice of his contract of apprenticeship, accept such security instead of or in mitigation of any punishment 40 which it is authorised to inflict upon the apprentice.

A.D. 1875.

PART II.

*Procedure.*Mode of
giving secu-
rity.

8. A person may give security under this Act in a county court or court of summary jurisdiction by a verbal or written acknowledgment in or under the direction of the court of the undertaking or condition by which and the sum for which he is bound, in such manner and form as may be prescribed by any rule for the time being in force, and in any case where security is so given, the court in or under the direction of which it is given may order payment of any sum which may become due in pursuance of such security. 10

The Lord Chancellor may at any time after the passing of this Act, and from time to time make, and when made, rescind, alter, and add to, rules with respect to giving security under this Act.

Summary
proceedings.

9. Any dispute or matter in respect of which jurisdiction is given by this Act to a court of summary jurisdiction shall be deemed to be a matter on which that court has authority by law to make an order on complaint in pursuance of the Summary Jurisdiction Act, but shall not be deemed to be a criminal proceeding; and all powers by this Act conferred on a court of summary jurisdiction shall be deemed to be in addition to and not in derogation of any powers conferred on it by the Summary Jurisdiction Act, except that a warrant shall not be issued under that Act for apprehending any person other than an apprentice for failing to appear to answer a complaint in any proceeding under this Act, and that an order made by a court of summary jurisdiction under this Act for the payment of any money shall not be enforced by imprisonment except in the manner and under the conditions by this Act provided; and no goods or chattels shall be taken under a distress ordered by a court of summary jurisdiction which might not be taken under an execution issued by a county court. 30

A court of summary jurisdiction may direct any sum of money, for the payment of which it makes an order under this Act, to be paid by instalments, and may from time to time rescind or vary such order.

Any sum payable by any person under the order of a court of summary jurisdiction in pursuance of this Act, shall be deemed to be a debt due from him in pursuance of a judgment of a competent court within the meaning of the fifth section of the Debtors Act, 1869, and may be enforced accordingly; and as regards any such debt a court of summary jurisdiction shall be deemed to be a court within the meaning of the said section. 40

The Lord Chancellor may at any time after the passing of this Act, and from time to time make, and when made, rescind, alter, and add to, rules for carrying into effect the jurisdiction by this Act given to a court of summary jurisdiction, and any rules so made in so far as they relate to the exercise of jurisdiction under the said fifth section of the Debtors Act, 1869, shall be deemed to be prescribed rules within the meaning of the said section. A.D. 1875.

PART III.

*Definitions and Miscellaneous.**Definitions.*

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10. In this Act—

Definitions,
“workman:”

The expression “workman” does not include a domestic or menial servant, but save as aforesaid, means any person who, being a labourer, servant in husbandry, journeyman, artificer, handicraftsman, miner, or otherwise engaged in manual labour, has entered into or works under a contract with an employer, whether the contract be made before or after the passing of this Act, be express or implied, verbal or in writing, and be a contract of service or a contract personally to execute any work or labour.

20

The expression “The Summary Jurisdiction Act” means the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled “An Act to facilitate the performance of the duties of Justices of the Peace out of sessions within England and Wales with respect to summary convictions and orders,” inclusive of any Acts amending the same. “The Summary Jurisdiction Act.”

25

The expression “court of summary jurisdiction” means—

30

(1.) As respects the city of London, the lord mayor or any alderman of the said city sitting at the Mansion House or Guildhall justices rooms; and

(2.) As respects any police court division in the metropolitan police district, any metropolitan police magistrate sitting at the police court for that division; and

35

(3.) As respects any city, town, liberty, borough, place, or district for which a stipendiary magistrate is for the time being acting, such stipendiary magistrate sitting at a police court or other place appointed in that behalf; and

40

(4.) Elsewhere any justice or justices of the peace to whom jurisdiction is given by the Summary Jurisdiction Act: Provided that, as respects any case within the cognizance of such justice or justices as last aforesaid, a complaint

A.D. 1875.

under this Act shall be heard and determined and an order for imprisonment made by two or more justices of the peace in petty sessions sitting at some place appointed for holding petty sessions.

Application.

5

Application
to appren-
tices.

11. This Act in so far as it relates to apprentices shall apply only to an apprentice to the business of a workman as defined by this Act upon whose binding either no premium is paid, or the premium (if any) paid, does not exceed *twenty-five* pounds, and to an apprentice bound under the provisions of the Acts relating to the relief of the 10 poor.

Saving Clause.

Saving of
special juris-
diction, and
seamen.

12. Nothing in this Act shall take away or abridge any local or special jurisdiction touching apprentices.

This Act shall not apply to seamen or to apprentices to the sea 15 service.

PART IV.

Application of Act to Scotland.

Application
to Scotland.

13. This Act shall extend to Scotland, with the modifications following; that is to say, 20

Definitions.

In this Act with respect to Scotland—

The expression “county court” means the sheriff of the county :

The expression “the court of summary jurisdiction” means the sheriff of the county acting under the provisions of the Summary Jurisdiction Act : 25

The expression “sheriff” includes sheriff substitute :

The expression “instrument of apprenticeship” mean indenture :

The expression “plaintiff” or “complainant” means pursuer or complainer : 30

The expression “defendant” includes defender or respondent :

The expression “the Summary Jurisdiction Act” means the Summary Procedure Act, 1864 :

The expression “surety” means cautioner :

This Act shall be read and construed, as if for the expression 35 “the Lord Chancellor,” wherever it occurs therein, the expression “the Court of Session by Act of sederunt” were substituted.

PART V.

Application of Act to Ireland.

Application
to Ireland.

14. This Act shall extend to Ireland, with the modifications 40 following; that is to say,

The expression "county court" shall be construed to mean civil bill court : A.D. 1875.

The expression "Lord Chancellor" shall be construed to mean the Lord Chancellor of Ireland :

- 5 The expression "The Summary Jurisdiction Act" shall be construed to mean, as regards the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district and elsewhere in Ireland, the Petty Sessions (Ireland) Act, 1851, and any Acts amending the
- 10 same :

The expression "court of summary jurisdiction" shall be construed to mean any justice or justices of the peace or other magistrate to whom jurisdiction is given by the Summary Jurisdiction Act :

- 15 The court of summary jurisdiction, when hearing and determining complaints under this Act, shall in the police district of Dublin metropolis be constituted of one or more of the divisional justices of the said district, and elsewhere in Ireland of two or more justices of the peace in petty sessions sitting at a
- 20 place appointed for holding petty sessions :

The expression "fifth section of the Debtors Act, 1869," shall be construed to mean "sixth section of Debtors Act (Ireland), " 1872."

Employers and Workmen.

A

BILL

To enlarge the powers of County Courts in respect of disputes between Employers and Workmen, and to give other Courts a limited civil jurisdiction in respect of such disputes.

(*Prepared and brought in by*
Mr. Secretary Cross, Mr. Attorney-General,
and Sir Henry Selwyn-Ibbetson.)

Ordered, by The House of Commons, to be Printed,
10 June 1875.

[Bill 203.]

Under 2 oz.

Employers and Workmen Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Preliminary.

Clauses.

1. Short title.
2. Commencement of Act.

PART I.

Jurisdiction—Jurisdiction of County Court.

3. Power of county court as to ordering of payment of money, set-off, and rescission of contract, and taking security.

Court of Summary Jurisdiction.

4. Jurisdiction of justices in disputes between employers and workmen.
5. Jurisdiction of justices in disputes between masters and apprentices.
6. Powers of justices in respect of apprentices.
7. Order against surety of apprentice, and power to friend of apprentice to give security.

PART II.

Procedure.

8. Mode of giving security.
9. Summary proceedings.

PART III.

Definitions and Miscellaneous.

Definitions.

10. Definitions, “workman.” “The Summary Jurisdiction Act.”

Application.

11. Application to apprentices.

Saving Clause.

12. Saving of special jurisdiction, and seamen.
[Bill 259.]

PART IV.

Application of Act to Scotland.

Clauses

13. Application to Scotland.

PART V.

Application of Act to Ireland.

14. Application to Ireland.
15. Reduction of penalties.
-

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Enlarge the powers of County Courts in respect of disputes between Employers and Workmen, and to give other Courts a limited civil jurisdiction in respect of such disputes. A.D. 1875.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 *Preliminary.*

1. This Act may be cited as the Employers and Workmen Act, Short title. 1875.

2. This Act, except so far as it authorises any rules to be made or other thing to be done at any time after the passing of this Act, shall come into operation on the first day of September one thousand eight hundred and seventy-five. Commence-
ment of Act.

PART I.

Jurisdiction—Jurisdiction of County Court.

3. In any proceeding before a county court in relation to any dispute between an employer and a workman arising out of or incidental to their relation as such (which dispute is herein-after referred to as a dispute under this Act) the court may, in addition to any jurisdiction it might have exercised if this Act had not passed, exercise all or any of the following powers; that is to say,

(1.) It may adjust and set off the one against the other all such claims on the part either of the employer or of the workman, arising out of or incidental to the relation between them, as the court may find to be subsisting, whether such claims are liquidated or unliquidated, and are for wages, damages, or otherwise; and,

Power of county court as to ordering of payment of money, set-off, and rescission of contract and taking security.

[Bill 259.]

A

A.D. 1875.

- (2.) If, having regard to all the circumstances of the case, is
thinks it just to do so, it may rescind any contract between
the employer and the workman upon such terms as to the
apportionment of wages or other sums due thereunder, and
as to the payment of wages or damages, or other sums due, 5
as it thinks just; and,
- (3.) Where the court might otherwise award damages for any
breach of contract it may, if the defendant be willing to
give security to the satisfaction of the court for the per-
formance by him of so much of his contract as remains 10
unperformed, with the consent of the plaintiff, accept such
security, and order performance of the contract accordingly,
in place either of the whole of the damages which would
otherwise have been awarded, or some part of such damages.
- The security shall be an undertaking by the defendant to perform 15
his contract, subject on non-performance to the payment
of a sum to be specified in the undertaking, and may be
given either with or without a surety in the manner
herein-after provided.
- If the defendant refuse or neglect to comply with the provisions 20
of any order for performance made as aforesaid, he shall
be liable to be committed to prison for any period not
exceeding fourteen days, unless and until the sum for
which security was given is sooner paid to the plaintiff,
which full term of imprisonment anything in "The 25
Summary Jurisdiction Act," and "The Debtor's Act,
1869," to the contrary notwithstanding, shall be in satis-
faction of the order and a bar to an execution or distrain-
t on goods and chattels.

Court of Summary Jurisdiction.

30

Jurisdic-
tion of
justices in
disputes
between em-
ployers and
workmen.

4. A dispute under this Act between an employer and a work-
man may be heard and determined by a court of summary juris-
diction, and such court, for the purposes of this Act, shall be deemed
to be a court of civil jurisdiction, and in a proceeding in relation to
any such dispute the court may order payment of any sum which 35
it may find to be due as wages, or damages, or otherwise, and may
exercise all or any of the powers by this Act conferred on a county
court: Provided that in any proceeding in relation to any such
dispute the court of summary jurisdiction—

- (1.) Shall not exercise any jurisdiction where the amount claimed 40
exceeds ten pounds; and

(2.) Shall not make an order for the payment of any sum exceeding ten pounds, exclusive of the costs incurred in the case, and

A.D. 1875.

(3.) Shall not require security to an amount exceeding ten pounds from any defendant or his surety or sureties.

5 5. Any dispute between an apprentice to whom this Act applies and his master, arising out of or incidental to their relation as such, (which dispute is herein-after referred to as a dispute under this Act,) may be heard and determined by a court of summary jurisdiction.

Jurisdiction of justices in disputes between masters and apprentices.

10 6. In a proceeding before a court of summary jurisdiction in relation to a dispute under this Act between a master and an apprentice, the court shall have the same powers as if the dispute were between an employer and a workman, and the master were the employer and the apprentice the workman, and the instrument
15 of apprenticeship a contract between an employer and a workman, and shall also have the following powers :

Powers of justices in respect of apprentices.

(1.) It may make an order directing the apprentice to perform his duties under the apprenticeship ; and,

20 (2.) If it rescinds the instrument of apprenticeship it may, if it thinks it just so to do, order the whole or any part of the premium paid on the binding of the apprentice to be repaid.

Where an order is made directing an apprentice to perform his duties under the apprenticeship, the court may, from time to time,
25 if satisfied after the expiration of not less than one month from the date of the order that the apprentice has failed to comply therewith, order him to be imprisoned for a period not exceeding fourteen days.

30 7. In a proceeding before a court of summary jurisdiction in relation to a dispute under this Act between a master and an apprentice, if there is any person liable, under the instrument of apprenticeship, for the good conduct of the apprentice, that person may, if the court so direct, be summoned in like manner as if he were the defendant in such proceeding to attend on the hearing of
35 the proceeding, and the court may, in addition to or in substitution for any order which the court is authorised to make against the apprentice, order the person so summoned to pay damages for any breach of the contract of apprenticeship to an amount not exceeding the limit (if any) to which he is liable under the instrument of apprenticeship.

Order against surety of apprentice, and power to friend of apprentice to give security.

A.D. 1875. The court may, if the person so summoned, or any other person, is willing to give security to the satisfaction of the court for the performance by the apprentice of his contract of apprenticeship, accept such security instead of or in mitigation of any punishment which it is authorised to inflict upon the apprentice. 5

PART II.

Procedure.

Mode of
giving secu-
rity.

8. A person may give security under this Act in a county court or court of summary jurisdiction by an oral or written acknowledgment in or under the direction of the court of the undertaking or condition by which and the sum for which he is bound, in such manner and form as may be prescribed by any rule for the time being in force, and in any case where security is so given, the court in or under the direction of which it is given may order payment of any sum which may become due in pursuance of such security. 10 15

The Lord Chancellor may at any time after the passing of this Act, and from time to time make, and when made, rescind, alter, and add to, rules with respect to giving security under this Act.

Summary
proceedings.

9. Any dispute or matter in respect of which jurisdiction is given by this Act to a court of summary jurisdiction shall be deemed to be a matter on which that court has authority by law to make an order on complaint in pursuance of the Summary Jurisdiction Act, but shall not be deemed to be a criminal proceeding; and all powers by this Act conferred on a court of summary jurisdiction shall be deemed to be in addition to and not in derogation of any powers conferred on it by the Summary Jurisdiction Act, except that a warrant shall not be issued under that Act for apprehending any person other than an apprentice for failing to appear to answer a complaint in any proceeding under this Act, and that an order made by a court of summary jurisdiction under this Act for the payment of any money shall not be enforced by imprisonment except in the manner and under the conditions by this Act provided; and no goods or chattels shall be taken under a distress ordered by a court of summary jurisdiction which might not be taken under an execution issued by a county court. 25 30 35

A court of summary jurisdiction may direct any sum of money, for the payment of which it makes an order under this Act, to be paid by instalments, and may from time to time rescind or vary such order.

Any sum payable by any person under the order of a court of summary jurisdiction in pursuance of this Act, shall be deemed to be a debt due from him in pursuance of a judgment of a competent court within the meaning of the fifth section of the Debtors Act, 1869, and may be enforced accordingly; and as regards any such debt a court of summary jurisdiction shall be deemed to be a court within the meaning of the said section. A.D. 1875.

The Lord Chancellor may at any time after the passing of this Act, and from time to time make, and when made, rescind, alter, and add to, rules for carrying into effect the jurisdiction by this Act given to a court of summary jurisdiction, and any rules so made in so far as they relate to the exercise of jurisdiction under the said fifth section of the Debtors Act, 1869, shall be deemed to be prescribed rules within the meaning of the said section.

15

PART III.

*Definitions and Miscellaneous.**Definitions.*

10. In this Act—

Definitions,
“workman:”

The expression “workman” does not include a domestic or menial servant, but save as aforesaid, means any person who, being a labourer, servant in husbandry, journeyman, artificer, handicraftsman, miner, or otherwise engaged in manual labour, whether under the age of twenty-one years or above that age, has entered into or works under a contract with an employer, whether the contract be made before or after the passing of this Act, be express or implied, oral or in writing, and be a contract of service or a contract personally to execute any work or labour.

The expression “The Summary Jurisdiction Act” means the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled “An Act to facilitate the performance of the duties of Justices of the Peace out of sessions within England and Wales with respect to summary convictions and orders,” inclusive of any Acts amending the same.

The expression “court of summary jurisdiction” means—

- (1.) As respects the city of London, the lord mayor or any alderman of the said city sitting at the Mansion House or Guildhall justices rooms; and

- A.D. 1875. (2.) As respects any police court division in the metropolitan police district, any metropolitan police magistrate sitting at the police court for that division; and
- (3.) As respects any city, town, liberty, borough, place, or district for which a stipendiary magistrate is for the time being acting, such stipendiary magistrate sitting at a police court or other place appointed in that behalf; and
- (4.) Elsewhere any justice or justices of the peace to whom jurisdiction is given by the Summary Jurisdiction Act: Provided that, as respects any case within the cognizance of such justice or justices as last aforesaid, a complaint under this Act shall be heard and determined and an order for imprisonment made by two or more justices of the peace in petty sessions sitting at some place appointed for holding petty sessions. 15

Application.

Application
to appren-
tices.

11. This Act in so far as it relates to apprentices shall apply only to an apprentice to the business of a workman as defined by this Act upon whose binding either no premium is paid, or the premium (if any) paid, does not exceed twenty-five pounds, and to an apprentice bound under the provisions of the Acts relating to the relief of the poor. 20

Saving Clause.

Saving of
special juris-
diction, and
seamen.

12. Nothing in this Act shall take away or abridge any local or special jurisdiction touching apprentices. 25

This Act shall not apply to seamen or to apprentices to the sea service.

PART IV.

Application of Act to Scotland.

Application
to Scotland.
Definitions.

13. This Act shall extend to Scotland, with the modifications following; that is to say, 30

In this Act with respect to Scotland—

The expression “county court” means the ordinary sheriff court of the county:

The expression “the court of summary jurisdiction” means the small debt court of the sheriff of the county: 35

The expression “sheriff” includes sheriff substitute:

The expression “instrument of apprenticeship” means indenture:

The expression "plaintiff" or "complainant" means pursuer or complainer : A.D. 1875.

The expression "defendant" includes defender or respondent :

5 The expression "the Summary Jurisdiction Act" means the Act of the seventh year of the reign of His Majesty King William the Fourth, and the first year of the reign of Her present Majesty, chapter forty-one, intituled "An Act for
10 " the more effectual recovery of small debts in the Sheriff
" Courts, and for regulating the establishment of circuit
" courts for the trial of small debt causes by the Sheriffs in
" Scotland," and the Acts amending the same.

The expression "surety" means cautioner :

This Act shall be read and construed, as if for the expression
" the Lord Chancellor," wherever it occurs therein, the expression
15 " the Court of Session by Act of sederunt " were substituted.

All jurisdictions, powers, and authorities necessary for the purposes of this Act are hereby conferred on sheriffs in their ordinary or small debt courts, as the case may be, who shall have full power to make any order on any summons, petition, complaint,
20 or other proceeding under this Act, that any county court or court of summary jurisdiction is empowered to make on any complaint or other proceeding under this Act.

Any decree or order pronounced or made by a sheriff under this Act shall be enforced in the same manner and under the same
25 conditions in and under which a decree or order pronounced or made by him in his ordinary or small debt court, as the case may be, is enforced.

PART V.

Application of Act to Ireland.

30 14. This Act shall extend to Ireland, with the modifications following ; that is to say, Application to Ireland.

The expression "county court" shall be construed to mean civil bill court :

35 The expression "Lord Chancellor" shall be construed to mean the Lord Chancellor of Ireland :

The expression "The Summary Jurisdiction Act" shall be construed to mean, as regards the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district and elsewhere in Ireland, the Petty
40 Sessions (Ireland) Act, 1851, and any Acts amending the same :

The expression "court of summary jurisdiction" shall be construed to mean any justice or justices of the peace or other

A.D. 1875.

magistrate to whom jurisdiction is given by the Summary Jurisdiction Act:

The court of summary jurisdiction, when hearing and determining complaints under this Act, shall in the police district of Dublin metropolis be constituted of one or more of the divisional justices of the said district, and elsewhere in Ireland of two or more justices of the peace in petty sessions sitting at a place appointed for holding petty sessions:

The expression "fifth section of the Debtors Act, 1869," shall be construed to mean "sixth section of Debtors Act (Ireland), 1872."

Reduction of penalties.

15. Where in any Act relating to employers or workmen a pecuniary penalty is imposed in respect of any offence under such Act, and no power is given to reduce such penalty, the justices or court having jurisdiction in respect of such offence may, if they think it just so to do, impose by way of penalty in respect of such offence any sum not less than one third of the penalty imposed by such Act.

Employers and Workmen.

A

B I L L

[AS AMENDED IN COMMITTEE]

To enlarge the powers of County Courts in respect of disputes between Employers and Workmen, and to give other Courts a limited civil jurisdiction in respect of such disputes.

(Prepared and brought in by
Mr. Secretary Cross, Mr. Attorney-General,
and Sir Henry Selwyn-Ibbetson.)

*Ordered, by The House of Commons, to be Printed,
15 July 1875.*

[Bill 259.]

Under 2 oz.

LORDS AMENDMENTS
TO
EMPLOYERS AND WORKMEN BILL.

*Note.—The page and line refer to the Bill (218.) as first printed
by the Lords.*

Page 5.

Line 38, leave out (“justices room”) and insert (“justice
“ room ”)

Page 6.

At end of clause 10 add :

Nothing in this section contained shall restrict the jurisdiction of the Lord Mayor or any alderman of the city of London, or of any metropolitan police or stipendiary magistrate, in respect of any act or jurisdiction which may now be done or exercised by him out of court.

Leave out clause 11, and insert clause (A.) :

In the case of a child, young person, or woman subject to the provisions of the Factory Acts, 1833 to 1874, any forfeiture on the ground of absence or leaving work shall not be deducted from or set off against a claim for wages or other sum due for work done before such absence or leaving work, except to the amount of the damage (if any) which the employer may have sustained by reason of such absence or leaving work.

CLAUSE A.
Set off in
case of fac-
tory workers.

LORDS AMENDMENTS

TO

EMPLOYERS AND WORKMEN
BILL.

*Ordered, by The House of Commons, to be Printed,
6 August 1875.*

[Bill 286.]

Under 1 oz.

A

B I L L

To continue the Endowed Schools Act, 1868.

A.D. 1875.

WHEREAS by the Endowed Schools Act, 1868, certain conditions were annexed to the appointment of persons to offices in certain schools; and by section six of the said Act the Act was continued in force until the first day of August one thousand eight hundred and sixty-nine, and the end of the then next session of Parliament:

31 & 32 Vict.
c. 32.

And whereas the said Act has been continued until the thirty-first day of December one thousand eight hundred and seventy-five, and it is expedient that the same should continue in force so long as the powers of making schemes under the Endowed Schools Acts, 1869, 1873, and 1874, continue in force, and those powers were by section six of the Endowed Schools Act, 1874, continued in force for a period of five years from the thirty-first day of December one thousand eight hundred and seventy-four:

37 & 38 Vict.
c. 87.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Endowed Schools (Vested Short title.
Interests) Act Continuance Act, 1875.

2. The Endowed Schools Act, 1868, shall continue in force so long as the powers of making schemes under the Endowed Schools Acts, 1869, 1873, and 1874, continue in force, whether in pursuance of the Endowed Schools Act, 1874, or of any Act hereafter to be passed.

Continuance
of
31 & 32 Vict.
c. 32.

Endowed Schools Act (1868) Continuance.

A

B I L L

To continue the Endowed Schools Act,
1868.

*(Prepared and brought in by
Viscount Sandon, Sir Henry Selwin-Ibbetson,
and Mr. William Henry Smith.)*

*Ordered, by The House of Commons, to be Printed,
10 May 1875.*

[Bill 161.]

Under 1 oz.

Entail Amendment (Scotland) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Commencement of Act.
3. Interpretation of terms.
4. Nearest heirs of entail may consent when 21 years of age, instead of when 25 years of age as formerly.
5. Amendment of section 3 of 11 & 12 Vict. c. 36. Consents to disentail estates entailed before 1st August 1848 may be given in course of application, and when such consents are not given, the court may assess the value of the heir's interests and dispense with such consents, on payment or security of such value. In case of nearest heir consent must be given by himself.
6. Provisions of preceding sections as regards consents to apply to applications for selling, burdening, &c.
7. Court empowered to authorise heir of entail to borrow money to defray the cost of improvements on the entailed estate.
8. Heir of entail with authority of the court may grant bond over the estate; form and effect of bond.
9. Provision as to entailed estates now charged for improvements.
10. Amendment of the law as to provisions for younger children of heirs of entail.
11. Improvement expenditure may be conveyed or bequeathed.
12. Procedure in applications under Entail Acts.
13. Saving of power to improve estates under "The Improvement of Land Act, 1864."

SCHEDULE.

A

B I L L

TO

Further amend the Law of Entail in Scotland.

WHEREAS it is expedient further to amend the law of entail A.D. 1875.
in Scotland :

Be it therefore enacted by the Queen's most Excellent Majesty,
by and with the advice and consent of the Lords Spiritual and
5 Temporal, and Commons, in this present Parliament assembled,
and by the authority of the same, as follows :

1. This Act may be cited for all purposes as "The Entail Amend- Short title.
ment (Scotland) Act, 1875."

2. This Act shall commence and come into operation on the Commence-
ment of Act.
10 passing thereof.

3. In this Act the following terms shall have the meanings Interpreta-
tion of
terms.
hereby assigned to them, unless the same are inconsistent with the
context ; that is to say,

15 "The court" shall mean the court of session, and shall include
either division of the inner house thereof, or the lord
ordinary as the case may be :

"The lord ordinary" shall mean the junior lord ordinary or the
lord ordinary officiating on the bills in time of vacation or
recess, as the case may be :

20 "Land" shall include all heritages :

"Heir of entail" shall include the institute :

"Entailed estate" shall include all heritages which by the law
of Scotland may be made the subject of entail, and also
all lands or other subjects held in trust for the purpose of
25 being entailed :

"Entail Act" shall mean the Act of the Parliament of Scotland
passed in the year one thousand six hundred and eighty-
[Bill 212.] A

A.D. 1875.

five, intituled “ Act concerning Tailzies,” and any other Acts of Parliament in force relating to entailed estates in Scotland :

“ Creditor” shall include the heirs and assignees of a creditor :

“ Improvements ” shall include all or any of the following 5 matters, and all operations necessary for carrying into effect any of such matters ; that is to say,

(1.) The draining, or the straightening, widening, deepening, or otherwise improving the drains, streams, and watercourses of an entailed estate, or the conducting of water to any house or houses or offices or mill or works, or to any town, village, or populous place situated on the estate ; 10

(2.) The embanking, warping, or weiring of land from the waters of the sea, or of any lake, river, or 15 stream ;

(3.) The enclosing of land, and the straightening of fences, and re-division of land ;

(4.) The reclamation of land ;

(5.) The making of private roads through the estate, 20 and the forming of roads or streets in any town, village, or populous place in so far as situated on the estate, and the making of tramways or railways or navigable canals for the benefit of and in so far as made within the estate ; 25

(6.) The trenching of land, the clearing of land, or the planting of land ;

(7.) The erecting or improving of, or the making additions to—

(*a.*) The mansion-house or any of the mansion- 30 houses and offices or outbuildings of the same on an entailed estate ;

(*b.*) Farmhouses and offices, or outbuildings for the same, and cottages for labourers, farm-servants, and artizans whether employed on the 35 estate or not ;

(*c.*) Inns or hotels and offices, or outbuildings of the same on the estate ;

(*d.*) Shooting lodges and offices, or outbuildings for the occupation of the tenants of any 40 shootings which may be let on the estate, and of the servants of such tenants of shootings ;

(e.) Engine houses, water wheels, water or horse mills, saw-mills, kilns, shafts, wells, ponds, tanks, reservoirs, dams, leads, pipes, conduits, watercourses, bridges, weirs, sluices, flood gates, or hatches, with all fixed machinery appertaining thereto, which will increase the value of the land for agricultural purposes ;

(f.) Jetties or landing places on the shores of the sea or of a lake, or on the banks of a navigable river, for facilitating the transport of agricultural stock and produce, or of manures, or other articles needed for agricultural purposes.

4. Where under the terms of the Act of the eleventh and twelfth years of the reign of Her Majesty, chapter thirty-six, or under any Acts amending the same, it is provided that the nearest heir of entail for the time entitled to succeed to an entailed estate giving his consent in any application under the said Act or Acts, shall be of the age of twenty-five years complete, it shall be sufficient, after the passing of this Act, if such heir shall be of the age of twenty-one years complete, and the said Act and any amending Act shall be read and construed as if for the provision therein in regard to the age of such heir the provision of this Act were inserted.

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Nearest heirs of entail may consent when 21 years of age, instead of when 25 years of age, as formerly.

5. Whereas it is expedient that section three of the Act of the eleventh and twelfth years of the reign of Her Majesty, chapter thirty-six, should be amended : Be it enacted as follows :

Amendment of Section 3 of 11 & 12 Vict. c. 36. Consents to disentail estates entailed before 1st August 1848, may be given in course of application and when such consents are not given, the court may assess the value of the heirs interests and dispense with such consents, on payment or security of such value. In case of nearest heir consent must be given by himself.

(1.) In any application to the Court of Session for authority to disentail an entailed estate in Scotland, holden by virtue of any tailzie dated prior to the first day of August one thousand eight hundred and forty-eight, the consent of any of the heirs of entail mentioned in the recited section entitled to succeed to such estate may competently be given after such application has been presented to the court, and in the course of the same :

(2.) In the event of any of the foresaid heirs, except the nearest heir for the time, whether an heir apparent or not, entitled to succeed, declining or refusing to give or being legally incapable of giving his consent, the court may dispense with such consent in terms of the provisions following ; (that is to say,)

(a.) When any of the foresaid heirs entitled to succeed, except the nearest heir for the time, declines or refuses to give, or is legally incapable of giving his consent, it

A.D. 1875.

shall be competent for the court, on a motion to that effect by the petitioner in the application, and on a statement by him of the declinature or refusal or incapacity of such heir or heirs aforesaid, and after such intimation to the heir or heirs so declining or refusing, 5 and to the guardians or other persons interested in the heir or heirs incapacitated as aforesaid, as the court shall think necessary, to ascertain the value in money of the expectancy or interest in the entailed estate with reference to such application of such heir or 10 heirs declining or refusing, or incapacitated to give consent as aforesaid.

(b.) Upon such value in money being ascertained to the satisfaction of the court, the court shall direct the sum so ascertained to be paid into bank in name of the 15 heir or heirs the value of whose expectancy or interest has been ascertained as aforesaid, or that proper security shall be given over the estate which is the subject of application for the amount so ascertained in favour of the heir or heirs aforesaid. 20

(c.) Upon such value in money being so paid or secured, to the satisfaction of the court, the court shall dispense with the consent of the heir or heirs, the value of whose expectancy or interest has been ascertained as aforesaid, and shall thereupon proceed as if such con- 25 sent had been obtained: Provided always, that nothing herein contained shall render it competent to dispense with the consent of the nearest heir for the time entitled to succeed to any entailed estate sought to be disentailed.

Provisions of preceding section as regards consents to apply to applications for selling, burdening, &c.

6. The provisions of the preceding section with reference to 30 applications for authority to disentail shall apply also where an heir of entail in possession of an entailed estate in Scotland, holden by virtue of any tailzie dated prior to first August one thousand eight hundred and forty-eight, applies for power to sell, alienate, dispoise, charge with debts or incumbrances, lease or feu, such estate 35 in whole or in part: Provided always, that nothing contained in this Act shall render it necessary in any application with reference to an entailed estate to obtain any consent (or the dispensing with any consent) of any heir of entail which would not have been necessary before the passing of this Act. 40

Court empowered to authorise heir of entail

7. From and after the passing of this Act, it shall be lawful for the court, on the application of the heir of entail in possession of an entailed estate in Scotland holden by virtue of any tailzie dated

prior to the first day of August one thousand eight hundred and forty-eight, to grant authority to such heir of entail to borrow money to defray the cost of improvements on such estate, whether the same have already been executed by him or are in the course of execution, or are merely contemplated at the date of the application, and whether the same, if executed prior to the date of the application, were executed before or after the passing of this Act, and to grant security therefor to the lender in the manner hereinafter provided, such heir of entail having paid the cost of such improvements as may have been executed prior to the date of the application, or being liable for the same so far as unpaid : Provided as follows :

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to borrow money to defray the cost of improvements on the entailed estate.

- (1.) The court shall be satisfied that any improvements executed prior to the date of the application are of a substantial nature and beneficial to the estate :
- (2.) The court shall be satisfied with respect to any improvements in course of execution, or contemplated, that the same, if well executed, will be of a substantial nature and beneficial to the estate :
- (3.) The amount to be borrowed to defray the cost of improvements executed prior to the date of the application shall be instructed by such evidence as the court shall deem reasonable :
- (4.) The court may determine the amount to be borrowed to defray the cost of improvements in course of execution, or contemplated, upon an estimate of the probable amount of such cost made by a person or persons of skill :
- (5.) It shall not be necessary in any application that the vouchers of the expenditure shall be produced ; but it shall be in the power of the court, or of any referee or other person appointed to examine the improvements, to call for the production of the vouchers of the expenditure, or any of them, if the court or such referee or other person shall think it is desirable or necessary to have such vouchers, or any of them, produced :
- (6.) In every case the court shall, in fixing the amount to be borrowed under its authority, add to the actual or estimated amount of the cost of the improvements, the actual or estimated amount of the cost of the application, and the proceedings therein, and of obtaining the loan, and granting security therefor :
- (7.) When the application is for authority to borrow money on the security of the estate to defray the cost of improve-

A.D. 1875.

ments thereon executed prior to the date of the application, the process shall be at an end on the court granting the prayer of the application; in every other case the process shall subsist as a depending process until the whole money authorised to be borrowed shall be paid away 5 under the authority of the court, as herein-after provided :

- (8.) In every such case as that last mentioned, the court in granting their authority shall make an order for the consignment in bank of the whole amount of the loan authorised on a receipt payable to the orders of court, and such 10 order for consignment shall be set forth in the bond and disposition in security to be granted by the heir of entail as after mentioned, and shall be obligatory on the lender; and there-after the court may make such orders and give such directions in the process as they may think necessary 15 from time to time for the inspection of the works of improvement in course of execution, for ensuring that the improvements shall be well executed, and may, on motion made in the process, grant orders from time to time for payment out of the consigned money to the applicant, 20 or in the case of his death to his personal representative or other successor entitled thereto and sisted in the process as herein-after provided, of the cost of the improvements so far as executed to their satisfaction, paid for by him or for which he is liable, and of the expenses of the loan and 25 security and of the process.

Heir of entail with authority of the court may grant bond over the estate; form and effect of bond.

8. It shall be lawful for an heir of entail in possession of an entailed estate in Scotland holden by virtue of any tailzie dated prior to the first day of August one thousand eight hundred and forty-eight (notwithstanding any provisions to the contrary contained in 30 the tailzie), who has obtained the authority of the court to borrow money under this Act on the security of the estate, to charge the fee and rents of such estate other than the mansion house, offices, and policies thereof, or the fee and rents of any portion of such estate other than as aforesaid, with the amount of the loan authorised by 35 the court, by granting in favour of any creditor who may advance such amount a bond and disposition in security over such estate, or any portion thereof, other than as aforesaid, for such amount, with interest thereof at the rate to be stated in such bond and disposition in security from the date of such advance till repaid, with corre- 40 sponding penalties, and such bond and disposition in security may be in the like form and shall have the like effect and operation, and

be subject to the like conditions and provisions as to keeping down interest as are made and provided by the said Act of the eleventh and twelfth years of the reign of Her Majesty, chapter thirty-six, and any Acts amending the same, in regard to bonds and dispositions in security authorised to be granted in respect of provisions to younger children. A.D. 1875.

9. And whereas it is expedient that where an estate in Scotland holden by virtue of any tailzie dated prior to the first day of August one thousand eight hundred and forty-eight has, before the passing of this Act, been duly charged with the cost of improvements executed thereon, or with part of such cost, and shall continue charged therewith after the passing of this Act, the heir of entail in possession thereof at or after the passing of this Act should be entitled to relief as herein-after provided: Be it therefore enacted as follows:

Provision as to entailed estates now charged for improvements.

(1.) It shall be lawful for such heir of entail in case he or any of his predecessors in possession of the estate shall have granted a bond or bonds of annual rent over the estate or any portion thereof, or otherwise imposed or created a rentcharge or rentcharges thereon in respect of improvements executed under the Act of the tenth year of the reign of His Majesty King George the Third, chapter fifty-one, or under the Act of the eleventh and twelfth years of the reign of Her present Majesty, chapter thirty-six, or any Act amending either of these Acts, or under "The Improvement of Land Act, 1864," or any Act amending the same, and in case such bond or bonds of annual rent or rentcharge or rent charges continues or continue to affect the estate at the time, to agree with the creditor in any such bond of annual rent or rentcharge for the substitution therefor of a bond and disposition in security over the estate or any portion thereof, other than as in the preceding section mentioned, for the portion then remaining unpaid of the sum on which the amount of such bond of annual rent, or of such rentcharge, was calculated, or otherwise to obtain from any person willing to advance it money on loan to pay to the creditor the portion of such sum then unpaid as aforesaid, under such bond of annual rent or rentcharge if the creditor will consent to receive the same, and, having obtained the sanction of the court to such agreement, to grant bond and disposition in security in

A.D. 1875.

terms thereof in favour of such creditor or other person, and such bond and disposition in security, if in favour of the creditor, shall operate as an absolute discharge by him of such bond of annual rent or rentcharge :

- (2.) It shall be lawful for such heir of entail, in case before the 5 passing of this Act he shall have once or oftener granted under the authority of the court a bond and disposition in security over the entailed estate, or any portion thereof, for two third parts of the cost of improvements executed by him under the said Acts of the tenth year of the reign 10 of His Majesty King George the Third, and of the eleventh and twelfth years of the reign of Her present Majesty, or either of them, or any Acts amending either of these Acts, to grant, under the authority of the court, a bond and disposition or bonds and dispositions in security over 15 such estate, or any portion of it, other than as in the preceding section mentioned, for the remaining third part of such cost: Provided that it shall not be necessary for the heir of entail in possession of an entailed estate to obtain the consent of any succeeding heir of entail to any proceeding 20 under this section.

Amendment of the law as to provisions for younger children of heirs of entail.

10. In all cases in which an heir of entail in possession of an estate in Scotland, holden by virtue of a tailzie dated prior to the first day of August one thousand eight hundred and forty-eight, shall have validly granted provision for a lawful child in terms of the Act 25 of the fifth year of the reign of His Majesty King George the Fourth, chapter eighty-seven, and any Acts amending the same, or in virtue of the powers in that behalf contained in the deed of entail of such estate, and such child shall die before the grantor of such provision leaving lawful issue who shall survive the grantor, such issue shall 30 on the death of the grantor take the said provision and be entitled to receive payment thereof in like manner as their parent would have done if he or she had survived the grantor, and the heir of entail in possession liable to pay such provision shall be entitled to charge the estate therewith in the same manner and to the 35 same extent and subject to the same conditions as if the provision sought to be charged had fallen to be paid to a child of the grantor and not to the issue of such child.

Improvement expenditure may be conveyed or bequeathed.

11. Where any heir of entail in possession of an estate in Scotland, holden by virtue of a tailzie dated prior to the first day of 40 August one thousand eight hundred and forty eight, shall have executed improvements on such estate, under this or any other

A.D. 1875.

Entail Act as the case may be, and shall have died after the passing of this Act without having charged the estate with the amount or the full amount of the sums expended on such improvements, it shall be lawful for the executor or personal representative of such heir of entail or for any person to whom such heir may have conveyed or assigned such sums or any part thereof, to make application by summary petition to the court, praying the court after such enquiry as to the court shall seem proper, to find and declare that the sums specified in the petition, or any part thereof have been expended on improvements on the said estate by the deceased heir of entail; and that the petitioner is in right thereof; and to decern and ordain the heir in possession of such entailed estate to execute in favour of the petitioner or of any other person such petitioner may think fit, a bond and disposition in security over the said estate other than the mansion house, offices, and policies thereof, or over some sufficient portion of the said estate other than as aforesaid, for the sums ascertained to have been expended as aforesaid, which bond and disposition in security shall contain all clauses proper to be inserted in bonds and dispositions in security which in virtue of this Act may be granted by an heir of entail in possession for sums expended by himself on improvements on his estate; provided always, that the said sums shall only be deemed to be a debt against the entailed estate and the heirs of entail therein, and shall only bear interest from and after the date of the decree of the court pronounced in such petition.

12. Subject to such rules in regard to the matters in this section mentioned as the court are hereby authorised and required to make by Act of Sederunt, on or before the fifteenth day of November one thousand eight hundred and seventy-five, and thereafter from time to time to vary or extend as they shall see fit, the following provisions shall have effect with reference to all applications to the court under this or any other entail Act:

Procedure
in applica-
tions under
entail Acts.

(1.) The application shall be addressed to the Court, but shall be presented to the junior lord ordinary, and during any vacation or recess of the court to the lord ordinary officiating on the Bills, who shall have all jurisdictions, powers, and authorities necessary for dealing with the same:

(2.) Applications shall be made by summary petition, signed by the applicant or his agent. All proceedings therein may take place at the lord ordinary's chambers, and agents may at all stages appear for the parties; but it shall be competent for the lord ordinary, at his own discretion

A.D. 1875.

and without any motion to that effect being made, to remit the application to one or more of the referees in entail applications after mentioned, or make such other order as he shall think proper, and in all such applications the induciæ in case of parties called under such 5 applications resident in Scotland shall be seven days, and in all other cases the induciæ shall be fourteen days.

The petition shall be in the form contained in the schedule annexed to this Act, or as nearly so as may be, and shall set forth all the particulars directed to be stated 10 in that form.

Every person whose consent, unless dispensed with by the court, would at the date of the application be necessary to a disentail of the estate concerned, shall be called as a respondent in the petition : 15

- (3.) An application may be made and prosecuted by the tutor, curator, or other legal guardian of a pupil or minor, or person under legal incapacity :
- (4.) Should the applicant die, his personal representative or successor in the entailed estate, or both, according to 20 their respective rights and interests, shall be entitled to be sisted in the process, at whatever stage the death may happen, and to prosecute the same :
- (5.) The lord ordinary shall appoint intimation of every application to be made in the minute-book and on the walls in 25 common form, and shall also appoint the same to be once advertised in the Edinburgh Gazette, and once in some newspaper published or circulating in a county in which the estate or some portion thereof is situated.

It shall be sufficient in the advertisements to state the 30 leading name by which the lands are commonly known, without any detailed description thereof.

The lord ordinary may also order such service as he may think proper, and may permit any person not called as a Respondent to appear in the process for his interest : 35

- (6.) In any application for authority to disentail an estate in whole or in part, or to sell, alienate, dispoine, charge with debts or incumbrances, lease, feu, or excamb the same, or any part thereof, it shall be sufficient that an affidavit shall be made and produced setting forth that there are 40 no entailer's debts or other debts, and no provisions to husbands, widows, or children affecting or that may be made to affect the fee of the estate or the heirs of entail

that are not secured by having been placed on the record; A.D. 1875.
 or if there are any such debts or provisions that are not
 so secured, setting forth as regards such debts or provi-
 sions all the particulars required to be specified in the
 affidavit provided by the Act of the eleventh and twelfth
 years of the reign of Her present Majesty, chapter thirty-
 six, in regard to all debts or provisions affecting, or that
 may be made to affect, the fee of the estate or the heirs of
 entail :

5
 10 (7.) In every application it shall be competent to decern for
 payment of expenses of process against any of the parties
 to the proceedings, or to decern for payment thereof out of
 the estate concerned or out of the money consigned under
 the application :

15 (8.) Every judgment, interlocutor, or order of the lord ordinary
 shall be final, unless submitted to review of the Inner
 House within eight days :

(9.) Power is hereby conferred on the lord justice general and
 lord justice clerk to appoint one or more men of business
 and one or more men of skill to be officers of court under
 the style of "referees in entail applications," to report
 officially to the court upon applications under any Entail
 Act; and in any such application the court may remit
 to one or more of the said officers to inquire into the
 facts and report, with such powers to examine witnesses
 and havers, and to call for the production of vouchers and
 other documents, and to regulate the procedure before
 them, as the court may think it necessary or proper to
 confer upon them in the circumstances of the application :

20
 25
 30 (10.) Power is hereby conferred on the lord justice-general and
 lord justice-clerk to establish a scale of fees payable to
 the referees in entail applications, such as in their opinion
 shall afford to the said referees a sufficient remuneration
 for performing the duties of their offices.

35 13. Nothing herein contained shall operate to prevent any heir of
 entail in possession of an entailed estate from taking proceedings
 under "The Improvement of Land Act, 1864," or any Act amending
 the same, to charge the estate with the amount of sums expended
 for improvements thereon or affect the validity of any proceedings
 40 or charge under these Acts.

Saving of
 power to im-
 prove estates
 under "The
 Improve-
 ment of
 Land Act,
 1864."

A.D. 1875.

SCHEDULE.

The petition of *A.B.* [*here set forth the name, designation, and place of residence of the petitioner*], heir of entail in possession of the entailed estate of [*here give the name of the lands by which the same are commonly known*]. 5

Humbly sheweth,

That the said estate is held by the petitioner under an entail executed of date [*give date*], and the petitioner completed his title thereto of date [*give date of recording title in Register of Sasines*]:

That *C.D.* and *E.F.*, &c. [*here set forth the names and designations and places of residence of the persons by law required to be called as respondents, and state whether such persons are of the age required by law; and if any one of them be not, or be legally incapacitated to act in his own affairs, set forth the names, designations, and places of residence so far as known of the tutors or guardians of such person*]: 10 15

That the petitioner desires [*here state succinctly and clearly what is asked for. When the petition is for authority to borrow money on the security of an estate to defray the cost of improvements, specify the improvements sufficiently to disclose their character and extent, or make reference to plans and specifications accompanying the petition and disclosing the character and extent of the improvements*]: 20

That this petition is presented under the provisions of [*here refer to the Act or Acts under which the application is made*]: 25

May it therefore please your Lordships [*prayer of the petitioner*].

[*Signed by the petitioner or his agent.*]

Entail Amendment (Scotland).

A

B I L L

To further amend the Law of Entail in
Scotland.

*(Prepared and brought in by
The Lord Advocate, Mr. Secretary Cross, and
Mr. Cameron.)*

*Ordered, by The House of Commons, to be Printed,
18 June 1875.*

[Bill 212.]

Under 2 oz.

Entail Amendment (Scotland) Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Commencement of Act.
3. Interpretation of terms.
4. Nearest heirs of entail may consent when 21 years of age, instead of when 25 years of age as formerly.
5. Amendment of section 3 of 11 & 12 Vict. c. 36. Consents to disentail estates entailed before 1st August 1848 may be given in course of application, and when such consents are not given, the court may assess the value of the heir's interests and dispense with such consents, on payment or security of such value. In case of nearest heir consent must be given by himself.
6. Provisions of preceding sections as regards consents to apply to applications for selling, burdening, &c.
7. Court empowered to authorise heir of entail to borrow money to defray the cost of improvements on the entailed estate.
8. Heir of entail with authority of the court may grant bond over the estate; form and effect of bond.
9. Provision as to entailed estates now charged for improvements.
10. Amendment of the law as to provisions for younger children of heirs of entail.
11. Improvement expenditure may be conveyed or bequeathed.
12. Procedure in applications under Entail Acts.
13. Effect of destination to heirs whomsoever.
14. Saving of power to improve estates under "The Improvement of Land Act, 1864."

A
B I L L

[AS AMENDED IN COMMITTEE]

TO

Further amend the Law of Entail in Scotland.

WHEREAS it is expedient further to amend the law of entail A.D. 1875.
in Scotland :

Be it therefore enacted by the Queen's most Excellent Majesty,
by and with the advice and consent of the Lords Spiritual and
5 Temporal, and Commons, in this present Parliament assembled,
and by the authority of the same, as follows :

1. This Act may be cited for all purposes as "The Entail Amend- Short title.
ment (Scotland) Act, 1875."

2. This Act shall commence and come into operation on the Commence-
ment of Act.
10 passing thereof.

3. In this Act the following terms shall have the meanings Interpreta-
tion of
terms.
hereby assigned to them, unless the same are inconsistent with the
context ; that is to say,

15 "The court" shall mean the court of session, and shall include
either division of the inner house thereof, or the lord
ordinary as the case may be :

"The lord ordinary" shall mean the junior lord ordinary or the
lord ordinary officiating on the bills in time of vacation or
recess, as the case may be :

20 "Land" shall include all heritages :

"Heir of entail" shall include the institute :

25 "Entailed estate" shall include all heritages which by the law
of Scotland may be made the subject of entail, and also
all lands or other heritages held in trust for the purpose of
being entailed, and all money or other property real or per-
sonal invested in trust for the purpose of purchasing land to
be entailed, and also all money consigned in respect of the
taking of any land forming part of any entailed estate :

[Bill 248.]

A

A.D. 1875.

“Entail Act” shall mean the Act of the Parliament of Scotland passed in the year one thousand six hundred and eighty-five, intituled “Act concerning Tailzies,” and any other Acts of Parliament in force relating to entailed estates in Scotland :

5

“Creditor” shall include the heirs and assignees of a creditor :

“Improvements” shall include all or any of the following matters, and all operations necessary for carrying into effect any of such matters ; that is to say,

(1.) The draining, or the straightening, widening, deep- 10
ening, or otherwise improving the drains, streams,
and watercourses of an entailed estate, or the con-
ducting of water to any house or houses or offices or
mill or works, or to any town, village, or populous
place situated on the estate ;

15

(2.) The embanking, warping, or weiring of land from the
waters of the sea, or of any lake, river, or stream ;

(3.) The enclosing of land, and the straightening of fences,
and re-division of land ;

(4.) The reclamation of land ;

20

(5.) The making of private roads through the estate,
and the forming of roads or streets in any town,
village, or populous place in so far as situated on
the estate, and the making of tramways or railways
or navigable canals for the benefit of and in so far 25
as made within the estate ;

(6.) The trenching of land, the clearing of land, or the
planting of land ;

(7.) The erecting or improving of, or the making additions
to—

30

(a.) The mansion-house or any of the mansion-
houses and offices or outbuildings of the same on
an entailed estate ;

(b.) Farmhouses and offices, or outbuildings
for the same, and cottages for labourers, farm- 35
servants, and artizans whether employed on the
estate or not ;

(c.) Factors, ground officers, and overseers
houses, with suitable offices and outbuildings ;

(d.) Inns or hotels and offices, or outbuildings 40
of the same on the estate ;

(e.) Shooting lodges and offices, or outbuild-
ings for the occupation of the tenants of any

shootings which may be let on the estate, and of the servants of such tenants of shootings ; A.D. 1875.

(*f.*) Engine houses, water wheels, water or horse mills, saw-mills, kilns, shafts, wells, ponds, tanks, reservoirs, dams, leads, pipes, conduits, watercourses, bridges, weirs, sluices, flood gates, or hatches, with all fixed machinery appertaining thereto, which will increase the value of the land for agricultural purposes, or otherwise be desirable for the beneficial enjoyment of the estate ;

(*g.*) Jetties or landing places on the shores of the sea or of a lake, or on the banks of a navigable river, for facilitating the transport of agricultural stock and produce, or of manures, or other articles needed for agricultural purposes.

4. Where under the terms of the Act of the eleventh and twelfth years of the reign of Her Majesty, chapter thirty-six, or under any Acts amending the same, it is provided that the nearest heir of entail for the time entitled to succeed to an entailed estate giving his consent in any application under the said Act or Acts, shall be of the age of twenty-five years complete, it shall be sufficient, after the passing of this Act, if such heir shall be of the age of twenty-one years complete, and the said Act and any amending Acts shall be read and construed as if for the provision therein in regard to the age of such heir the provision of this Act were inserted.

Nearest heirs of entail may consent when 21 years of age instead of when 25 years of age, as formerly.

5. Whereas it is expedient that section three of the Act of the eleventh and twelfth years of the reign of Her Majesty, chapter thirty-six, should be amended : Be it enacted as follows :

Amendment of Section 3 of 11 & 12 Vict. c. 36. Consents to disentail estates entailed before 1st August 1848, may be given in course of application and when such consents are not given, the court may assess the value of the heirs interests and dispense with such consents, on payment or security of such value. In case of nearest heir consent must be given by himself.

(1.) In any application to the Court of Session for authority to disentail an entailed estate in Scotland, holden by virtue of any tailzie dated prior to the first day of August one thousand eight hundred and forty-eight, the consent of any of the heirs of entail mentioned in the recited section entitled to succeed to such estate may competently be given after such application has been presented to the court, and in the course of the same :

(2.) In the event of any of the foresaid heirs, except the nearest heir for the time, whether an heir apparent or not, entitled to succeed, declining or refusing to give or being legally incapable of giving his consent, the court may dispense with such consent in terms of the provisions following ; (that is to say,)

A.D. 1875.

(a.) When any of the foresaid heirs entitled to succeed, except the nearest heir for the time, declines or refuses to give, or is legally incapable of giving his consent, the court shall, on a motion to that effect by the petitioner in the application, and on a statement by him of the declinature or refusal or incapacity of such heir or heirs aforesaid, and after such intimation to the heir or heirs so declining or refusing, or to the guardians or other persons interested in the heir or heirs incapacitated as aforesaid, as the court shall think necessary, ascertain the value in money of the expectancy or interest in the entailed estate with reference to such application of such heir or heirs declining or refusing, or incapacitated to give consent as aforesaid.

(b.) Upon such value in money being ascertained to the satisfaction of the court, the court shall direct the sum so ascertained to be paid into bank in name of the heir or heirs the value of whose expectancy or interest has been ascertained as aforesaid, or that proper security shall be given over the estate which is the subject of application for the amount so ascertained in favour of the heir or heirs aforesaid.

(c.) Upon such value in money being so paid or secured, to the satisfaction of the court, the court shall dispense with the consent or consents of the heir or heirs, the value of whose expectancy or interest has been ascertained as aforesaid, and shall thereupon proceed as if such consent or consents had been obtained: Provided always, that nothing herein contained shall render it competent to dispense with the consent of the nearest heir for the time entitled to succeed to any entailed estate sought to be disentailed.

(3.) So much of the recited section as provides that the heir of entail in possession, being the only heir of entail in existence for the time, shall be unmarried when he exercises the powers conferred upon him by the recited section, is hereby repealed; but nothing herein contained shall affect the provisions of section eight of the recited Act.

Provisions of preceding section as regards consents to apply to applications for selling, burdening, &c.

6. The provisions of the preceding section with reference to applications for authority to disentail shall apply also where an heir of entail in possession of an entailed estate in Scotland, holden by virtue of any tailzie dated prior to first August one thousand eight hundred and forty-eight, applies for power to sell, alienate,

dispone, charge with debts or incumbrances, lease or feu, such estate in whole or in part : Provided always, that nothing contained in this Act shall render it necessary in any application with reference to an entailed estate to obtain the consent (or the dispensing with the consent) of any heir of entail whose consent would not have been necessary before the passing of this Act. A.D. 1875.

7. From and after the passing of this Act, it shall be lawful for the court, on the application of the heir of entail in possession of an entailed estate in Scotland holden by virtue of any tailzie dated prior to the first day of August one thousand eight hundred and forty-eight, to grant authority to such heir of entail to borrow money to defray the cost of improvements on such estate, whether the same have already been executed by him or are in the course of execution, or are merely contemplated at the date of the application, and whether the same, if executed prior to the date of the application, were executed before or after the passing of this Act, and to grant security therefor to the lender in the manner hereinafter provided, such heir of entail having paid the cost of such improvements as may have been executed prior to the date of the application, or being liable for the same so far as unpaid : Provided as follows : Court empowered to authorise heir of entail to borrow money to defray the cost of improvements on the entailed estate.

- (1.) The court shall be satisfied that any improvements executed prior to the date of the application are of a substantial nature and beneficial to the estate :
- 25 (2.) The court shall be satisfied with respect to any improvements in course of execution, or contemplated, that the same, if well executed, will be of a substantial nature and beneficial to the estate :
- 30 (3.) The amount to be borrowed to defray the cost of improvements executed prior to the date of the application shall be instructed by such evidence as the court shall deem reasonable :
- (4.) The court may determine the amount to be borrowed to defray the cost of improvements in course of execution, or contemplated, upon an estimate of the probable amount of such cost made by a person or persons of skill :
- 35 (5.) It shall not be necessary in any application that the vouchers of the expenditure shall be produced ; but it shall be in the power of the court, or of any reporter or other person appointed to inquire into the facts, examine the improvements, to call for the production of the vouchers of the expenditure, or any of them, if the court or such reporter or
- 40

A.D. 1875.

other person shall think it is desirable or necessary that such vouchers, or any of them should be produced :

- (6.) In every case the court shall, in fixing the amount to be borrowed under their authority, add to the actual or estimated amount of the cost of the improvements, the actual or estimated amount of the cost of the application, and the proceedings therein, and of obtaining the loan, and granting security therefor :
- (7.) When the application is for authority to borrow money on the security of the estate to defray the cost of improvements thereon executed prior to the date of the application, the process shall be at an end on the court granting the prayer of the application ; in every other case the process shall subsist as a depending process until the whole money authorised to be borrowed shall be paid away under the authority of the court, as herein-after provided :
- (8.) In every such case as that last mentioned, the court in granting their authority shall make an order for the consignment in bank of the whole amount of the loan authorised on a receipt payable to the orders of court, and such order for consignment shall be set forth in the bond and disposition in security to be granted by the heir of entail as after mentioned, and shall be obligatory on the lender ; and there-after the court may make such orders and give such directions in the process as they may think necessary from time to time for the inspection of the works of improvement in course of execution, for ensuring that the improvements shall be well executed, and may, on motion made in the process, grant orders from time to time for payment out of the consigned money to the applicant, or in the case of his death to his personal representative or other successor entitled thereto and sisted in the process as herein-after provided, of the cost of the improvements so far as executed to their satisfaction, paid for by him or for which he is liable, and of the expenses of the loan and security and of the process.

Heir of entail with authority of the court may grant bond over the estate ; form and effect of bond.

8. It shall be lawful for an heir of entail in possession of an entailed estate in Scotland holden by virtue of any tailzie dated prior to the first day of August one thousand eight hundred and forty-eight (notwithstanding any provisions to the contrary contained in the tailzie), who has obtained the authority of the court to borrow money under this Act on the security of the estate, to charge the fee

A.D. 1875.

and rents of such estate other than the mansion house, offices, and policies thereof, or the fee and rents of any portion of such estate other than as aforesaid, with the amount of the loan authorised by the court, by granting in favour of any creditor who may advance
5 such amount a bond and disposition in security over such estate, or any portion thereof, other than as aforesaid, for such amount, with interest thereof at the rate to be stated in such bond and disposition in security from the date of such advance till repaid, with corresponding penalties, and such bond and disposition in security may
10 be in the like form and shall have the like effect and operation, and be subject to the like conditions and provisions as to keeping down interest as are made and provided by the said Act of the eleventh and twelfth years of the reign of Her Majesty, chapter thirty-six, and any Acts amending the same, in regard to bonds and disposi-
15 tions in security authorised to be granted in respect of provisions to younger children.

9. And whereas it is expedient that where an estate in Scotland holden by virtue of any tailzie dated prior to the first day of August one thousand eight hundred and forty-eight has, before the passing
20 of this Act, been duly charged with the cost of improvements executed thereon, or with part of such cost, and shall continue charged therewith after the passing of this Act, the heir of entail in possession thereof at or after the passing of this Act should be entitled to relief as herein-after provided: Be it therefore enacted
25 as follows:

Provision as to entailed estates now charged for improvements.

(1.) It shall be lawful for such heir of entail in case he or any of his predecessors in possession of the estate shall have granted a bond or bonds of annual rent over the estate or any portion thereof, or otherwise imposed or created
30 a rentcharge or rentcharges thereon in respect of improvements executed under the Act of the tenth year of the reign of His Majesty King George the Third, chapter fifty-one, or under the Act of the eleventh and twelfth years of the reign of Her present Majesty, chapter
35 thirty-six, or any Act amending either of these Acts, or under "The Improvement of Land Act, 1864," or any Act amending the same, and in case such bond or bonds of annual rent or rentcharge or rent charges continues or continue to affect the estate at the time, to agree
40 with the creditor in any such bond of annual rent or rentcharge for the substitution therefor of a bond and disposition in security over the estate or any portion

A.D. 1875.

thereof, other than as in the preceding section mentioned, for the portion then remaining unpaid of the sum on which the amount of such bond of annual rent, or of such rentcharge, was calculated, or otherwise to obtain from any person willing to advance the same, money 5 on loan to pay to the creditor the portion of such sum then unpaid as aforesaid, under such bond of annual rent or rentcharge if the creditor will consent to receive the same, and, having obtained the sanction of the court to such agreement, to grant bond and disposition in security in 10 terms thereof in favour of such creditor or other person, and such bond and disposition in security, if in favour of the creditor, shall operate as an absolute discharge by him of such bond of annual rent or rentcharge :

- (2.) It shall be lawful for such heir of entail, in case before the 15 passing of this Act he shall have once or oftener granted under the authority of the court a bond and disposition in security over the entailed estate, or any portion thereof, for two third parts of the whole or two third parts of three fourth parts, as the case may be, of the cost of 20 improvements executed by him under the said Acts of the tenth year of the reign of His Majesty King George the Third, and of the eleventh and twelfth years of the reign of Her present Majesty, or either of them, or any Acts amending either of these Acts, to grant, under the autho- 25 rity of the court, a bond and disposition or bonds and dispositions in security over such estate, or any portion of it, other than as in the preceding section mentioned, for the remaining third part or half, as the case may be, of such cost: Provided that it shall not be necessary for the heir 30 of entail in possession of an entailed estate to obtain the consent of any succeeding heir of entail to any proceeding under this section.

Amendment
of the law
as to provi-
sions for
younger
children of
heirs of
entail.

10. In all cases in which an heir of entail in possession of an estate in Scotland, holden by virtue of a tailzie dated prior to the 35 first day of August one thousand eight hundred and forty-eight, shall have granted or shall grant provision for a lawful child in terms of the Act of the fifth year of the reign of His Majesty King George the Fourth, chapter eighty-seven, and any Acts amending the same, or in virtue of the powers in that behalf contained in the deed of 40 entail of such estate, and such child shall either before or after the passing of this Act pre-decease the grantor of such provision leaving lawful issue who shall survive the grantor, such issue shall

A.D. 1875.

on the death of the grantor take the said provision and be entitled to receive payment thereof in like manner as their parent would have done if he or she had survived the grantor, subject to any settlement or apportionment of the same by such grantor; and it
 5 shall also be lawful for any such heir of entail to grant provision to the issue of a pre-deceasing child, and to apportion the same, whether such pre-deceasing child shall have been heir apparent or a younger child to the same extent and subject to the same conditions as if the provision were made under the foresaid Acts or any
 10 of them in favour of a younger child of the grantor; and in the respective cases aforesaid the heir of entail in possession liable to pay such provision shall be entitled to charge the estate therewith in the same manner and to the same extent and subject to the same conditions as if the provision sought to be charged had fallen
 15 to be paid to a child of the grantor and not to the issue of such child: Provided that the whole provisions granted by such heir of entail shall not exceed in any case the amount authorised to be charged on the entailed estate and rents thereof, under the said Acts or any of them, or under the entail of the said estate.

20 11. Where any heir of entail in possession of an estate in Scotland, holden by virtue of a tailzie dated prior to the first day of August one thousand eight hundred and forty eight, shall have executed improvements on such estate, of the nature contemplated by this or any other Entail Act as the case may be, and shall have
 25 died after the passing of this Act without having charged the estate with the amount or the full amount of the sums expended on such improvements, it shall be lawful for any person to whom such heir of entail may have expressly bequeathed, conveyed, or assigned such sums or any part thereof, to make application by summary petition
 30 to the court, praying the court after such enquiry as to the court shall seem proper, to find and declare that the sums specified in the petition, or any part thereof have been expended on improvements on the said estate by the deceased heir of entail; and that the petitioner is in right thereof; and to decern and
 35 ordain the heir in possession of such entailed estate to execute in favour of the petitioner or of any other person such petitioner may think fit, a bond and disposition in security over the said estate other than the mansion house, offices, and policies thereof, or over some sufficient portion of the said estate other than as
 40 aforesaid, for the sums ascertained to have been expended as aforesaid, which bond and disposition in security shall contain all clauses proper to be inserted in bonds and dispositions in security which in virtue of this Act may be granted by an heir of entail

Improve-
ment ex-
penditure
may be
conveyed or
bequeathed.

A.D. 1875. in possession for sums expended by himself on improvements on his estate; provided always, that the said sums shall only be deemed to be a debt against the entailed estate and the heirs of entail therein, and shall only bear interest from and after the date of the decree of the court pronounced in such petition. 5

Procedure
in applica-
tions under
entail Acts.

12. Subject to such rules in regard to the matters in this section mentioned as the court are hereby authorised and required to make by Act of Sederunt, on or before the fifteenth day of November one thousand eight hundred and seventy-five, and thereafter from time to time to vary or extend as they shall see fit, the following provisions shall have effect with reference to all applications to the court under this or any other entail Act: 10

- (1.) Any application may be signed by the applicant or by his counsel or agent, and agents may at all stages appear for the parties. 15
- (2.) Applications, except for authority to disentail, sell, alienate, dispoise, charge with debt or incumbrances, may be made and prosecuted by the tutor, curator, or other legal guardian of a pupil or minor, or person under legal incapacity:
- (3.) Should the applicant die, his personal representative or his successor in the entailed estate, or his dispoinee, legatee, or assignee, or any of them, according to their respective rights and interests, shall, except in the case of applications in which it is necessary to obtain the consent or the dispensing with the consent of one or more heirs of entail, be entitled to be sisted in the process, at whatever stage the death may happen, and to prosecute the same: 20 25
- (4.) The lord ordinary shall appoint intimation of every application to be made in the minute-book and on the walls in common form, and shall also appoint the same to be once advertised in the Edinburgh Gazette, and once in some newspaper published or circulating in a county in which the estate or some portion thereof is situated: 30

It shall be sufficient in the advertisements to state the leading name by which the lands are commonly known, without any detailed description thereof: 35

The lord ordinary may also order such service as he may think proper, and may permit any person not called as a Respondent to appear in the process for his interest:

- (5.) In any application for authority to disentail an estate in whole or in part, or to sell, alienate, dispoise, charge with debts or incumbrances, lease, feu, or excamb the same, or 40

any part thereof, it shall be sufficient that in lieu of A.D. 1875.

lodging an affidavit as at present, a schedule shall be produced, signed by the petitioner and deponed to by him as correct, setting forth that there are no entailor's debts or other debts, and no provisions to husbands, widows, or children affecting or that may be made to affect the fee of the estate or the heirs of entail that are not secured by having been placed on the record; or if there are any such debts or provisions that are not so secured, setting forth as regards such debts or provisions the amounts or sums thereof in figures, the dates when the same were constituted, and the names and designations or residences of the parties who at the date of the application are in right of the same :

(6.) In every application it shall be competent to decern for payment of expenses of process against any of the parties to the proceedings, or to decern for payment thereof out of the estate concerned or out of the money consigned under the application :

(7.) Power is hereby conferred on the court, by act of sederunt to establish, and from time to time to alter or vary, a scale of fees payable to reporters in entail applications, such as in their opinion shall afford to the said reporters a sufficient remuneration for performing the duties of their offices.

13. Where any tailzie under which any estate is held shall not be valid and effectual in virtue of the recited Act of the Parliament of Scotland passed in the year one thousand six hundred and eighty-five, in respect the destination contained in such tailzie is in favour of the institute or heir in possession and his heirs whomsoever, or his heirs general, such estate shall be deemed and taken to be a fee simple estate, without any declarator or other judicial procedure; and where any money or other property, real or personal, has been, or shall be, invested in trust for the purpose of purchasing lands to be entailed under the same or like destinations, or where any lands are or shall be directed to be entailed under the same or like destinations, but the direction has not been carried into effect, such trust money or other property, and such lands, though still unentailed, may be dealt with under this section in all respects as such lands might have been dealt with if entailed in terms of such trust or direction.

Effect of
destination
to heirs
whomsoever.

A.D. 1875. **14.** Nothing herein contained shall operate to prevent any heir of entail in possession of an entailed estate from taking proceedings under "The Improvement of Land Act, 1864," or any Act amending the same, to charge the estate with the amount of sums expended for improvements thereon or affect the validity of any proceedings or charge under these Acts.

Saving of power to improve estates under "The Improvement of Land Act, 1864."

(Scotland).

A

BILL

[AS AMENDED IN COMMITTEE]

To further amend the Law of Entail in Scotland.

(Prepared and brought in by
The Lord Advocate, Mr. Secretary Cross, and
Mr. Cameron.)

Ordered, by The House of Commons, to be Printed,
9 July 1875.

[Bill 248.]

Under 2 oz.

LORDS AMENDMENTS
TO
THE ENTAIL AMENDMENT (SCOTLAND) BILL.

Note.—*The page and line refer to the Bill (214.) as first printed
by the Lords.*

Page 3.

Line 9, leave out (“desirable for the”)

Line 10, leave out (“enjoyment of”) and insert (“to”)

Page 5.

Line 24, after (“estate”) insert (“as at the date of the applica-
“tion to the extent of at least the sum authorised to be
“borrowed”)

Page 6.

Line 21 and line 22, leave out (“bond and disposition in”)

Line 36, after (“process”) add (“Provided also, that nothing
“in this Act shall authorise any heir of entail to charge
“the entailed estate with money expended on any improve-
“ment which may have been executed more than twenty
“years before the application for authority to charge the
“estate in respect of such improvement shall have been
“made to the court”)

Page 7.

Line 3, leave out from (“with”) to (“a”) in line 5, and insert
 (“a bond of annual rent, binding himself and his heirs of
“tailzie to make payment of an annual rent for twenty-five
“years from and after the date of such authority of the
“court, or, where the money has been consigned as afore-
“said, from and after the expiration of two years from the
“date of consignment, such annual rent to be payable by
“equal moieties half-yearly, and to be at a rate not exceed-
“ing seven pounds two shillings per annum for every one
[Bill 280.]

“ hundred pounds so authorised to be borrowed, and so in
“ proportion for any greater or less sum ; or, where the
“ improvements were executed before the date of the
“ application to the court, in the option of such heir in
“ possession, and in lieu of such bond of annual rent,
“ with ”)

Line 6, leave out (“ such amount ”) and insert (“ two thirds of
“ the sum on which the amount of such bond of annual
“ rent, if granted, would be calculated in terms of this
“ Act ”)

Line 8, leave out (“ of such advance ”) and insert (“ afore-
“ said ”)

Line 16, after (“ children ”) add (“ and the granting of such
“ bond of annual rent or bond and disposition in security
“ shall operate as a discharge of all claims for or on account
“ of the improvements with reference to which such bonds
“ of annual rent or bonds and dispositions in security are
“ hereby authorised to be granted ”)

Line 21, leave out (“ or with part of such cost ”)

Line 24, leave out (“ as ”) and insert (“ in the manner, but
“ subject to the conditions ”)

Line 26, after (“ entail ”) insert (“ with the consent of the
“ nearest heir for the time entitled to succeed to the said
“ estate ”)

Line 37, after (“ same ”) insert (“ or any other Act authorising
“ the loan of money for the improvement of land ”)

Page 8.

Lines 15 to 33, leave out sub-section (2.)

Page 9.

Line 27, after (“ estate ”) add (“ Provided also, that nothing
“ contained in this section shall operate to defeat any right
“ which shall have vested before the passing of this Act ”)

Line 34, leave out (“ or the full amount ”) and insert (“ which
“ he is entitled to charge ”)

Page 10.

Lines 5 and 6, leave out (“ sums ascertained to have been ex-
“ pended as aforesaid ”) and insert (“ amount with which
“ the deceased heir of entail himself might under the pro-
“ visions of this Act have charged the estate ”)

THE ENTAIL AMENDMENT
(SCOTLAND) BILL.

*Ordered, by The House of Commons, to be Printed,
31 July 1875.*

[Bill 280.]

Under 1 oz.

A

B I L L

TO

Extend the Time for the Epping Forest Commissioners to make A.D. 1875.
their Final Report.

WHEREAS by the Epping Forest Act, 1871, it was enacted 34 & 35 Vict.
c. 93.
that the Commissioners thereby appointed should within two
years from their appointment make a final report to Her Majesty on
the matter referred to them, and that such report should be laid
5 before both Houses of Parliament within fourteen days after the
making thereof if Parliament should then be sitting, and if not, then
within fourteen days after the next meeting of Parliament :

And whereas additional powers were conferred upon the said
Commissioners by the Epping Forest Amendment Act, 1872, which 35 & 36 Vict.
c. 95.
10 was incorporated with the said Act of 1871.

And whereas by the Epping Forest Act, 1873, it was enacted 36 & 37 Vict.
c. 5.
that it should be lawful for the Commissioners to make the said
report at any time within two years from the passing of the said
Act, and that such report should be laid before both Houses of Par-
15 liament within fourteen days after the making thereof, if Parliament
should be then sitting, and if not, then within fourteen days after
the next meeting of Parliament :

And whereas it is expedient to amend the powers of the said Acts
and further to extend the time for making the said final report and
20 the time when such report shall be presented to both Houses of
Parliament :

May it therefore please Your Majesty that it may be enacted ;
and be it enacted by the Queen's most Excellent Majesty,
by and with the advice and consent of the Lords Spiritual and
25 Temporal, and Commons, in this present Parliament assembled,
and by the authority of the same, as follows :

1. In case the said Commissioners shall be unable to make their Time for
making final
report and
final report to Her Majesty within the period limited by the Epping
[Bill 52.]

A.D. 1875.

—
for exercise
of Commis-
sioners
power ex-
tended.

Forest Act, 1873, it shall be lawful for the said Commissioners to make the said report at any time within two years from the passing of this Act, and all the powers conferred on the said Commissioners and on the Commissioners of Her Majesty's Works and Public Buildings respectively by the said recited Acts shall be and the same 5 are hereby extended until the Commissioners shall make the said final report to Her Majesty.

Final report
to be laid
before Par-

2. The said final report shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament be then sitting, and if not, then within fourteen days after the next 10 meeting of Parliament.

Short title.

3. This Act may be cited for all purposes as "The Epping Forest Act, 1875."

Epping Forest.

A

B I L L

To extend the Time for the Epping
Forest Commissioners to make their
Final Report.

(*Prepared and brought in by*
Lord Henry Lennox and Mr. William Henry
Smith.)

Ordered, by The House of Commons, to be Printed,
9 February 1875.

[Bill 52.]

Under 1 oz.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Extend the Time for the Epping Forest Commissioners to make
their Final Report. A.D. 1875.

WHEREAS by the Epping Forest Act, 1871, it was enacted 34 & 35 Vict.
c. 93.
that the Commissioners thereby appointed should within two
years from their appointment make a final report to Her Majesty on
the matter referred to them, and that such report should be laid
5 before both Houses of Parliament within fourteen days after the
making thereof if Parliament should then be sitting, and if not, then
within fourteen days after the next meeting of Parliament :

And whereas additional powers were conferred upon the said
Commissioners by the Epping Forest Amendment Act, 1872, which 35 & 36 Vict.
c. 95.
10 was incorporated with the said Act of 1871.

And whereas by the Epping Forest Act, 1873, it was enacted 36 & 37 Vict
c. 5.
that it should be lawful for the Commissioners to make the said
report at any time within two years from the passing of the said
Act, and that such report should be laid before both Houses of Par-
15 liament within fourteen days after the making thereof, if Parliament
should be then sitting, and if not, then within fourteen days after
the next meeting of Parliament :

And whereas it is expedient to amend the powers of the said Acts
and further to extend the time for making the said final report and
20 the time when such report shall be presented to both Houses of
Parliament :

May it therefore please Your Majesty that it may be enacted ;
and be it enacted by the Queen's most Excellent Majesty,
by and with the advice and consent of the Lords Spiritual and
25 Temporal, and Commons, in this present Parliament assembled,
and by the authority of the same, as follows :

1. In case the said Commissioners shall be unable to make their Time for
making final
report and
final report to Her Majesty within the period limited by the Epping
[Bill 87.]

A.D. 1875. Forest Act, 1873, it shall be lawful for the said Commissioners to make the said report at any time within one year from the passing of this Act, and all the powers conferred on the said Commissioners and on the Commissioners of Her Majesty's Works and Public Buildings respectively by the said recited Acts shall be and the same 5 are hereby extended until the Commissioners shall make the said final report to Her Majesty.

Penalty not exceeding 20*l.* for new inclosure or waste in breach of Commissioners orders. **2.** Any person who shall in contravention of any order made by the Commissioners under the fifth section of the Epping Forest Amendment Act, 1872, make any inclosure of any land within the 10 said Forest not inclosed before the passing of the Epping Forest Act, 1871, or wilfully or maliciously commit any waste, injury, or destruction of vert herbage, trees, shrubs, or other growing things in or upon any land within the said Forest to which the order relates, shall be liable to a penalty not exceeding twenty pounds to 15 be recovered upon summary conviction.

Final report to be laid before Par- **3.** The said final report shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament be then sitting, and if not, then within fourteen days after the next meeting of Parliament. 20

Short title. **4.** This Act may be cited for all purposes as "The Epping Forest Act, 1875."

Epping Forest.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To extend the Time for the Epping
Forest Commissioners to make their
Final Report.

(Prepared and brought in by
Lord Henry Lennox and Mr. William Henry
Smith.)

Ordered, by The House of Commons, to be Printed,
8 March 1875.

[Bill 87.]

Under 1 cz.

Experiments on Animals Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Painful experiments not to be made except as herein-after provided. Penalty.
2. Experiments for scientific purposes permissible under certain conditions.
3. Painful experiments by a licensee under this Act permissible on certain conditions.
4. License, how obtainable.
5. License to be granted by Secretary of State.
6. Duration of license.
7. License to be revocable.
8. License to protect assistants.
9. Summary Jurisdiction Acts.
10. Appeal to quarter sessions.

SCHEDULE.

A

B I L L

TO

Prevent abuse and cruelty in Experiments on Animals made A.D. 1875.
for the purpose of scientific discovery.

WHEREAS it is expedient to prevent cruelty and abuse in the Preamble.
experiments made on living animals for the purpose of pro-
moting discoveries in the sciences of medicine, surgery, anatomy,
and physiology :

5 Be it enacted by the Queen's most Excellent Majesty, by and
with the advice and consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by the
authority of the same, as follows :

1. Save as herein-after mentioned, no person shall, for any
10 purpose whatever, make an experiment causing pain, or of a nature
to cause pain, on any live animal. Painful ex-
periments
not to be
made except
as herein-
after
provided.
Penalty.

Any person acting in contravention of this section shall be guilty
of a misdemeanor, or shall be liable, on prosecution before a court
of summary jurisdiction, to a penalty not exceeding *fifty pounds*,
15 or imprisonment for a term not exceeding *three months*.

2. Any person, for the purpose of new scientific discovery, but
for no other purpose, shall be permitted to make an experiment on
a live animal of a nature to cause pain notwithstanding this Act
and the Prevention of Cruelty to Animals Act (passed in the
20 twelfth and thirteenth years of Her present Majesty, chapter ninety-
two), provided that the following conditions are complied with :

Experiments
for scientific
purposes
permissible
under certain
conditions.

(1.) That the animal shall first have been made insensible by
the administration of anæsthetics or otherwise, and shall
continue to be insensible during the whole of such experi-
ment ; and
25

(2.) That, if the nature of the experiment be such as to seriously
injure the animal, so as to cause to it after-suffering, the
animal shall be killed immediately on the termination of
the experiment.

[Bill 163.]

A

A.D. 1875.

Painful
experiments
by a licensee
under this
Act permis-
sible on
certain
conditions.

3. Nothing in this or in the Prevention of Cruelty to Animals Act contained shall be taken to prohibit any person holding a license, as herein-after provided under this Act, from subjecting any live animal to an experiment without the use of anæsthetics, provided that in making such experiment the following conditions are all complied with:—

- (1.) That the experiment is made for the purpose of new scientific discovery, and for no other purpose; and
- (2.) That insensibility cannot be produced without necessarily frustrating the object of the experiment; and that the animal should not be subjected to any pain which is not necessary for the purpose of the experiment; and
- (3.) That the experiment be brought to an end as soon as practicable; and
- (4.) That if the nature of the experiment be such as to seriously injure the animal, so as to cause to it after-suffering, the animal shall be killed immediately on the termination of the experiment:
- (5.) That a register of all experiments made without the use of anæsthetics shall be duly kept, and be returned in such form and at such times as one of Her Majesty's principal Secretaries of State may direct.

License
how obtain-
able.

4. Any person desirous to obtain a license under this Act may apply for the same to one of Her Majesty's principal Secretaries of State. Such application shall be in the form set forth in the Schedule to this Act, and shall be signed by the applicant, and shall be accompanied by a certificate in form set forth in the same Schedule, and signed by one at least of the following persons; viz., the President of the Royal Society, the Presidents of the Royal Colleges of Surgeons in London, Edinburgh, or Dublin, the Presidents of the Colleges of Physicians in London, Edinburgh, or Dublin, and also by a professor of physiology, medicine, or anatomy in some university in Great Britain, or recognised by the Colleges of Surgeons and Physicians aforesaid.

Provided that if the applicant be a professor or lecturer of or in physiology, medicine, anatomy, or surgery in any university in Great Britain, or in any college incorporated by Royal charter, or a professor or lecturer in any one of such sciences employed by Government, such a certificate shall not be required; but, instead thereof, his application shall be countersigned by the registrar, president, principal, or secretary of such university or college.

5. Upon receiving such application the Secretary of State may if he think fit, grant to the applicant a license under this Act.

License to
be granted
by Secretary
of State.

6. A license under this Act shall, unless earlier revoked, be in force, in the case of the holder being a professor or lecturer as
5 herein-before mentioned, during such time as he shall continue to hold such professorship or lectureship, and in any other case for the term of five years. Provided that from time to time, when a license expires, a Secretary of State shall renew the same upon receiving a written application from the holder, without requiring
10 a fresh certificate or any countersigning of the application.

Duration
of license.

7. A Secretary of State may at any time, on cause shown, revoke any license granted under this Act.

License to
be revocable.

8. A license under this Act shall extend to any person assisting the holder of the license, provided the person assisting acts in the
15 presence and under the directions of such holder.

License to
protect
assistants.

9. All offences and penalties under this Act may be prosecuted and recovered in manner directed by the Summary Jurisdiction Acts before a court of summary jurisdiction.

Summary
Jurisdiction
Acts.

The term "Summary Jurisdiction Acts" means as follows:

20 As to England, the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties
" of justices of the peace out of sessions within England and
" Wales with respect to summary convictions and orders,"
25 and any Acts amending the same:

As to Scotland, "The Summary Procedure Act, 1864":

As to Ireland, within the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district, or of the police of such district; and else-
30 where in Ireland, "The Petty Sessions (Ireland) Act, 1851," and any Act amending the same:

The term "court of summary jurisdiction" means in England and Ireland any two justices of the peace or any metropolitan stipendiary or other magistrate empowered by law to do alone
35 or with others any act authorised to be done by more than one justice of the peace; and in Scotland any justice or justices of the peace, sheriff, or other magistrate by whatever name called, proceedings before whom for the trial or prosecution of any offence or for the recovery of any penalty under any Act of
40 Parliament the provisions of the Summary Jurisdiction Act, 1864, may be applied:

A.D. 1875.

In Scotland the following provisions shall have effect :

- (1.) All jurisdiction, powers, and authorities necessary for the court of summary jurisdiction under this Act are hereby conferred on that court :
- (2.) Every person found liable under this Act in any penalty 5 shall be liable in default of immediate payment to imprisonment for a term not exceeding three months, and the conviction and warrant may be in the form of No. 3 of Schedule K. of the Summary Procedure Act, 1864. 10

Appeal to
quarter
sessions.

10. Any person who has been convicted of any offence punishable by this Act by any justices may appeal in England to the next general or quarter sessions of the peace which shall be held for the city, county, town, or place wherein such conviction shall have been made, in Scotland to the sheriff of the 15 county, after the expiration of ten days from the day when such conviction shall take place, provided that such person enter into a recognizance within three days next after such conviction, with two sufficient sureties, conditioned to try such appeal, and to be forthcoming to abide the judgment and deter- 20 mination of the court at such general or quarter sessions, or of the sheriff, and to pay such costs as shall be by such court or sheriff awarded ; and the justices or sheriff before whom such conviction shall be had are hereby empowered and required to take such recognizance ; and the court at such general or quarter sessions 25 and sheriff respectively are hereby required to hear and finally determine the matter of such appeal, and may award such costs to the party appealing or appealed against as they or he shall think proper.

In Ireland any person who has been convicted of any offence 30 punishable by this Act may appeal to the next court of quarter sessions to be held in the same division of the county where the conviction shall be made by any justice or justices in any petty sessions district, or to the recorder at his next sessions where the conviction shall be made by the divisional justices in the police 35 district of Dublin metropolis, or to the recorder of any corporate or borough town when the conviction shall be made by any justice or justices in such corporate or borough town (unless when any such sessions shall commence within ten days from the date of any such conviction, in which case, if the appellant sees fit, the appeal 40 may be made to the next succeeding sessions to be held for such division or town), and it shall be lawful for such court of quarter

sessions or recorder (as the case may be) to decide such appeal, if made in such form and manner and with such notices as are required by the said Petty Sessions Acts respectively herein-before mentioned as to appeals against orders made by justices at petty
5 sessions, and all the provisions of the said Petty Sessions Acts respectively as to making appeals and as to executing the orders made on appeal, or the original orders where the appeals shall not be duly prosecuted, shall also apply to any appeal made under this Act.

A.D. 1875.

A.D. 1875.

SCHEDULE.

Form of Application.

I, *M.N.*, of [*description and occupation, with particulars of any scientific, academical, or other like qualification*], do hereby declare that I am engaged in the study of the science of physiology, and especially in the making of researches, with the view of advancing physiological knowledge, and that I desire to obtain a license under the provisions of "The Experiments on Animals Act, 1875," empowering me to make experiments on living animals; and I hereby undertake that in making any experiments under such license, if granted, I will conform to the conditions and restrictions contained in sections 2 and 3 of the said Act.

Dated 187 . . .

(Signed) *M.N.*[*These sections to be printed on the back of the application.*]*Form of Certificate.*

We, *A.B.*, President of the Royal Society, and *C.D.*, hereby certify, for the information of the Secretary of State for the Home Department, under the provisions of the Experiments on Animals Act, 1875, that the above-named *M.N.* is engaged in prosecuting such researches as are described in the above application, and that he is, in our opinion, a person properly qualified to carry on such investigations, and to have granted to him the license for which he applies.

(Signed)

Names. Descriptions.

*A.B.**C.D.*

Dated this

day of

, 187 . . .

Form of License.

I, Her Majesty's Secretary of State for the Home Department, having received from *M.N.*, residing at [*description and occupation*] an application, under the provisions of the Experiments on Animals Act, 1875, accompanied by certificate, such as is required by the same Act, of which certificate and application copies are appended hereto, do hereby, in exercise of the authority given to me by the said Act, license the said *M.N.* to make experiments on living animals, in the manner and subject to the conditions and restrictions set forth in the said Act, during the period of five years from the date hereof, [*or, in the case of a professor or lecturer, under section* , "*for so long as he may retain and fulfil the duties of his office as such professor or lecturer aforesaid.*"]

Dated this

day of

187 . . .

Experiments on Animals.

A

BILL

To prevent abuse and cruelty in Experiments on Animals made for the purpose of scientific discovery.

(Prepared and brought in by
*Mr. Lyon Playfair, Mr. Spencer Walpole, and
Mr. Evelyn Ashley.*)

*Ordered, by The House of Commons, to be Printed,
12 May 1875.*

[Bill 163.]

Under 2 oz.

A
B I L L

TO

Continue various expiring Laws.

A.D. 1875.

WHEREAS the several Acts mentioned in column one of the schedule to this Act are, to the extent specified in column two of that schedule, limited to expire on the thirty-first day of December one thousand eight hundred and seventy-five :

5 And whereas it is expedient to provide for the continuance as in this Act mentioned of such Acts, and of the enactments amending the same :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and
10 Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as the Expiring Laws Continuance Act, 1875. Short title.

2. The Acts mentioned in column one of the schedule to this
15 Act, in so far as they are temporary in their duration, shall, to the extent in column two of the said schedule mentioned, be continued until the thirty-first day of December one thousand eight hundred and seventy-six, and to the end of the then next session of Parliament, and any enactments amending or affecting the enactments
20 continued by this Act shall, in so far as they are temporary in their duration, be continued in like manner. Continuance of Acts in schedule.

A.D. 1875.

SCHEDULE.

1. Original Acts.	2. How far continued.	3. Amending Acts.	
(1) 5 & 6 Will. 4. c. 27. Linen, Hempen, Cotton, and other Manufactures (Ireland).	The whole Act so far as it is not repealed.	3 & 4 Vict. c. 91. (except ss. 18 and 23). 5 & 6 Vict. c. 68. 7 & 8 Vict. c. 47. 30 & 31 Vict. c. 60.	5
(2) 3 & 4 Vict. c. 89. Poor Rates, Stock in Trade Exemption.	The whole Act.	—	10
(3) 4 & 5 Vict. c. 35. Copyhold Inclosure and Tithe Commissioners.	So much as relates to the appointment of and the period for holding office by Commissioners and other officers.	14 & 15 Vict. c. 53. 25 & 26 Vict. c. 73.	15
(4) 4 & 5 Vict. c. 59. Application of Highway Rates to Turnpike Roads.	The whole Act.	—	20
(5) 10 & 11 Vict. c. 32. Landed Property Improvement (Ireland).	As to powers of Commissioners.	12 & 13 Vict. c. 59. 13 & 14 Vict. c. 31. 25 & 26 Vict. c. 29. 29 & 30 Vict. c. 40.	25
(6) 10 & 11 Vict. c. 98. Ecclesiastical Jurisdiction.	As to provisions continued by 21 & 22 Vict. c. 50.	—	
(7) 11 & 12 Vict. c. 32. County Cess (Ireland).	The whole Act.	20 & 21 Vict. c. 7.	30
(8) 11 & 12 Vict. c. 107. Sheep and Cattle Diseases.	The whole Act as to Ireland.	16 & 17 Vict. c. 62. 29 & 30 Vict. c. 4. 33 & 34 Vict. c. 36.	35
(9) 14 & 15 Vict. c. 104. Episcopal and Capitular Estates Management.	The whole Act so far as it is not repealed.	17 & 18 Vict. c. 116. 22 & 23 Vict. c. 46. 23 & 24 Vict. c. 124. 31 & 32 Vict. c. 114. s. 10.	40
(10) 17 & 18 Vict. c. 102. Corrupt Practices Prevention.	The whole Act so far as it is not repealed.	21 & 22 Vict. c. 87. 26 & 27 Vict. c. 29. 31 & 32 Vict. c. 125.	45

A.D. 1875.

1. Original Acts.	2. How far continued.	3. Amending Acts
(11) 5 23 & 24 Vict. c. 19. Dwell- ings for Labouring Classes (Ireland).	The whole Act.	—
(12) 24 & 25 Vict. c. 109. Salmon Fishery (England) Act.	As to appointment of in- spectors, s. 31.	—
10 (13) 25 & 26 Vict. c. 97. Salmon Fisheries (Scotland).	As to the powers of com- missioners, &c.	26 & 27 Vict. c. 50. 27 & 28 Vict. c. 118.
(14) 15 26 & 27 Vict. c. 105. Pro- missory Notes.	The whole Act.	—
(15) 27 & 28 Vict. c. 9. Malt for Animals.	The whole Act.	—
(16) 20 27 & 28 Vict. c. 20. Pro- missory Notes and Bills of Exchange (Ireland).	The whole Act.	—
(17) 25 28 & 29 Vict. c. 46. Militia Ballots Suspension.	The whole Act.	—
(18) 28 & 29 Vict. c. 66. Charg- of Malt Duty by Weight.	The whole Act so far as it is not repealed.	29 & 30 Vict. c. 64.
(19) 30 28 & 29 Vict. c. 83. Loco- motives on Roads.	The whole Act.	—
(20) 29 & 30 Vict. c. 52. Pro- secution Expenses.	The whole Act.	—
35 (21) 31 & 32 Vict. c. 125. Elec- tion Petitions and Cor- rupt Practices.	The whole Act.	—
(22) 40 32 & 33 Vict. c. 21. Elec- tion Commissioners Ex- penses.	The whole Act - -	34 & 35 Vict. c. 61.
(23) 45 34 & 35 Vict. c. 87. Sunday Observance Prosecutions.	The whole Act.	—
(24) 34 & 35 Vict. c. 105. Petroleum.	The whole Act.	—

Expiring Laws Continuance.

A

BILL

To continue various expiring Laws.

(Prepared and brought in by
Mr. William Henry Smith and
Mr. Secretary Cross.)

*Ordered, by The House of Commons, to be Printed,
21 July 1875.*

[Bill 262.]

Under 1 oz.

Clause.

LAW RELATING TO GUNPOWDER.

14. Continuing certificate for existing factories and magazines.
[Bill 76.]

*Stores for Gunpowder.**Licensing and Regulation of Stores.*

Clause.

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Clause.

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Clause.

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Clause.

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A

B I L L

TO

Amend the Law with respect to manufacturing, keeping, selling, carrying, and importing Gunpowder, Nitro-glycerine, and other explosive substances. A.D. 1875.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

5 *Preliminary.*

1. This Act may be cited as the Explosives Act, 1875.

Short title.

2. This Act shall come into operation on the *first day of January* Commence-
one thousand eight hundred and seventy-six, in this Act referred to ment of Act.
 as the commencement of this Act; but any Order in Council, order,
 10 general rules, and byelaws, and any appointment to an office may
 be made under this Act at any time after the passing thereof, but
 shall not take effect until the commencement of this Act.

3. This Act shall apply to gunpowder and other explosives as defined by this section. Substances
to which
this Act
applies.

15 The term "explosive" in this Act—

(1.) Means gunpowder, nitro-glycerine, dynamite, gun-cotton, blasting powders, fulminate of mercury or of other metals, coloured fires, and every other substance whether similar to those above mentioned or not, used or manufactured with a view to produce a practical effect by explosion or a pyrotechnic effect; and

20 (2.) Includes fog-signals, fire-works, fuzes, rockets, percussion caps, detonators, cartridges, ammunition of all descriptions, and every adaptation or preparation of an explosive as
 25 above defined.

A.D. 1875.

PART I.

LAW RELATING TO GUNPOWDER.

General Law as to Manufacture and Keeping of Gunpowder.

Gunpowder
to be manu-
factured
only at
existing or
new factory.

4. The manufacture of gunpowder shall not, nor shall any process of such manufacture be carried on except at a factory for gunpowder either lawfully existing or licensed for the same under this Act. 5

Provided that nothing in this section shall apply to the making of a small quantity of gunpowder for the purpose of chemical experiment and not for practical use or for sale.

If any person manufactures gunpowder or carries on any process of such manufacture at any place at which he is not allowed by this section so to do, he shall be deemed to manufacture gunpowder at an unauthorised place. 10

Where gunpowder is manufactured at an unauthorised place—

1. All or any part of the gunpowder or the ingredients of gunpowder which may be found either in or about such place or in the possession or under the control of any person convicted under this section, may be forfeited; and 15
2. The person so manufacturing shall be liable to a penalty not exceeding *one hundred pounds* a day for every day during which he so manufactures. 20

Gunpowder
(except for
private use)
to be kept
only in
existing or
new maga-
zine or
store, or in
registered
premises.

5. Gunpowder shall not be kept at any place except as follows; that is to say,

- (1.) Except in the factory (either lawfully existing or licensed for the same under this Act) in which it is manufactured; or 25
- (2.) Except in a magazine or store for gunpowder either lawfully existing or licensed under this Act for keeping gunpowder; or
- (3.) Except in premises registered under this Act for keeping gunpowder. 30

Provided that this section shall not apply—

- (1.) To a person keeping for his private use and not for sale gunpowder to an amount not exceeding on the same premises *thirty pounds*; or 35
- (2.) To the keeping of any gunpowder by a carrier, or other person for the purpose of conveyance, when the same is being conveyed or kept in accordance with the provisions of this Act with respect to the conveyance of gunpowder.

Any gunpowder kept in any place other than as above in this section mentioned shall be deemed to be kept in an unauthorised place. 40

Where any gunpowder is kept in an unauthorised place,—

A.D. 1875.

(1.) All or any part of the gunpowder found in such place may be forfeited; and

(2.) The occupier of such place, and also the owner of, or other person guilty of keeping the gunpowder, shall each be liable to a penalty not exceeding *two shillings* for every pound of gunpowder so kept.

Licensing of Factories and Magazines for Gunpowder.

6. A new factory or magazine for gunpowder shall not be established except on the site and in the manner specified in a license for the same granted under this Act.

Application
for license
for new
factory or
magazine.

An applicant for such a license shall submit to the Secretary of State the draft of a license accompanied by a plan (drawn to scale) of the proposed factory or magazine, and the site thereof, (which plan shall be deemed to form part of and to be in this Act included in the expression "the license").

The draft license shall contain the terms which the applicant proposes to have inserted in his license, and shall specify such of the following matters as are applicable; namely,

(a.) The boundaries of the site of the factory or magazine and either any belt of land surrounding the site which is to be kept clear, and the buildings and works from which it is to be kept clear, or the distances to be maintained between the factory or magazine, or any part thereof, and other buildings and works; and

(b.) The situation, character, and construction of all the mounds, buildings, and works on or connected with the factory or magazine, and the distances thereof from each other; and

(c.) The nature of the processes to be carried on in the factory and in each part thereof, and the place at which each process of the manufacture, and each description of work connected with the factory or magazine is to be carried on, and the places in the factory or magazine at which gunpowder and any ingredients of gunpowder, and any articles liable to spontaneous ignition, or inflammable or otherwise dangerous, are to be kept; and

(d.) The amount of gunpowder and of ingredients thereof wholly or partly mixed to be allowed at the same time in any building or machine or any process of the manufacture or within a limited distance from such building or machine, having regard to the situation and construction of such building, and to the distance thereof from any other building or any works; and

A.D. 1875.

- (e.) The situation, in the case of a factory, of each factory magazine and in the case of another magazine, of each building forming part of such magazine in which gunpowder is to be kept, and the maximum amount of gunpowder to be kept in each factory magazine, and in each such building as aforesaid; and
- (f.) The maximum number of persons to be employed in each building in the factory; and
- (g.) Any special terms which the applicant may propose by reason of any special circumstances arising from the locality, the situation or construction of any buildings or works, or the nature of any process, or otherwise.

The Secretary of State, after examination of the proposal, may reject the application altogether or may approve of the draft license, with or without modification or addition, and grant to the applicant permission to apply to the local authority for their assent to the establishment of the factory or magazine on the proposed site.

Application
for assent of
local authority
to site of
new factory
or magazine.

7. The local authority, upon application being made for their assent to the establishment of a new factory or magazine on the proposed site, shall cause notice to be published by the applicant in manner directed by this Act of the application and of the time and place at which they will be prepared to hear the applicant and any persons objecting to such establishment, who have not less than *seven* clear days before the day of hearing, sent to the clerk of the local authority and to the applicant notice of their intention to appear and object, with their name, address, and calling, and a short statement of the grounds of their objection.

Upon the hearing of the application, or any adjournment thereof, the local authority may dissent altogether from the establishment of such new factory or magazine on the proposed site, or assent thereto, either absolutely or on any conditions requiring additional restrictions or precautions.

Where the site of the proposed factory or magazine is situate within or within one mile of the limits of the jurisdiction of any urban sanitary authority, or of any harbour authority, the applicant shall serve on such authority, if they are not the local authority, notice of the application and of the time and place of hearing fixed by the local authority.

The said notices shall be published and served by the applicant not less than one month before the hearing.

The local authority shall fix the time and place of hearing as soon as practicable after application made to them, and the time so fixed

shall be as soon as may be after the expiration of the said month from the publication and service of the notices by the applicant. A.D. 1875.

The place so fixed shall be situate within the jurisdiction of the local authority, or within a convenient distance of the limits of that jurisdiction.

The costs of any objections which the local authority may deem to be frivolous shall be ascertained by an order made by the local authority, and shall be a debt due from the objector to the applicant, of which such order shall be conclusive evidence.

Where the site of the proposed factory or magazine is situate partly within the jurisdiction of one local authority and partly within the jurisdiction of another, the assent of both local authorities shall be applied for in manner provided by this Act.

8. If on the hearing of the application for the establishment of a factory or magazine the local authority assent thereto either absolutely or on conditions submitted to by the applicant, the applicant shall be entitled to the license applied for in accordance with the draft approved by the Secretary of State, with the addition (if the assent was on conditions) of the additional restrictions and precautions required by those conditions. Grant and confirmation of license.

If the local authority assent on any conditions not submitted to by the applicant or dissent, the applicant may appeal to the Secretary of State, giving notice of such appeal to the local authority, and requiring them to state in writing their reasons for such conditions or dissent; and the Secretary of State, after considering the reasons (if any) so stated, and after such inquiry, local or other, as he may think necessary, may if the local authority dissented, refuse the license, or may in either case grant the license applied for in accordance with the draft license either as previously approved by him, or with such modifications and additions as he may consider required to meet the reasons (if any) so stated by the local authority.

The Secretary of State, when satisfied that the factory or magazine is sufficiently completed according to the license to justify the use thereof, shall confirm the license, but until so confirmed the license shall not come into force.

The site bounded as described in the license shall, with every mound, building, and work thereon for whatever purpose, be deemed, for the purposes of this Act, to be the factory or magazine referred to in the license.

40 *Regulation of Factories and Magazines for Gunpowder.*

9. In every gunpowder factory and magazine—

(1.) The factory or magazine, or any part thereof, shall not be used for any purpose not in accordance with the license; and

Regulations for factory and magazine.

A.D. 1875.

- (2.) The terms of the license shall be duly observed, and the manufacture or keeping or any process in or work connected with the manufacture or keeping of gunpowder shall not be carried on except in accordance with those terms; and
- (3.) The factory or magazine and every part thereof shall be maintained in accordance with the license, and the site and the buildings thereon shall not be enlarged or added to except as authorised by this Act.

In the event of any breach (by any act or default) of this section in any factory or magazine, 10

- (a.) All or any part of the gunpowder or ingredients thereof in respect to which, or being in any building or machine in respect to which, the offence was committed, may be forfeited; and
- (b.) The occupier shall be liable to a penalty not exceeding in the case of the first offence *fifty* pounds, and in the case of a second or any subsequent offence *one hundred* pounds and in addition *fifty* pounds for every day during which such breach continues. 15

10. In every gunpowder factory and magazine the following general rules shall be observed: 20

- (1.) In a factory every factory magazine, and in any other magazine every building in which gunpowder is kept, shall be used only for the keeping of gunpowder, and receptacles for or tools or implements for work connected with the keeping of such gunpowder; and 25
- (2.) The interior of every building in which any process of the manufacture is carried on or in which gunpowder or any ingredients thereof, either mixed or partially mixed, are kept, or in the course of manufacture are liable to be (in this Act referred to as a danger building), and the benches, shelves, and fittings in such building (other than machinery), shall be so constructed or so lined or covered as to prevent the exposure of any iron or steel in such manner, and the detaching of any grit, iron, steel, or similar substance in such manner, as to come into contact with the gunpowder or ingredients thereof in such building, and such interior, benches, shelves, and fittings shall, so far as is reasonably practicable, be kept free from grit and otherwise clean; and 30 40
- (3.) Every danger building shall have attached thereto a sufficient lightning conductor, unless, by reason of its construction by excavation or of its position or otherwise, the Secretary of State considers a conductor unnecessary; and

General
rules for
factories
and maga-
zines.

(4.) Charcoal, whether ground or otherwise, and oiled cotton, A.D. 1875.

oiled rags, and oiled waste, and any articles whatever liable to spontaneous ignition, shall not be taken into any danger building, except for the purpose of immediate supply and work or immediate use in such building, and upon the cessation of such work or use shall be forthwith removed; and

(5.) Before repairs are done to or in any room in or other part of a danger building, that room or part shall, so far as practicable, be cleaned by the removal of all gunpowder, and wholly or partly mixed ingredients thereof, and the thorough washing out of such room or part; and such room or part of the building after being so cleaned shall not be deemed to be a danger building within the meaning of these rules until gunpowder or the wholly or partly mixed ingredients thereof are again taken into it; and

(6.) There shall be constantly kept affixed in every danger building, either outside or inside, in such manner as to be easily read, a statement of the quantities of gunpowder or ingredients allowed to be in the building, and a copy of these rules, and of any other part of this Act required by the Secretary of State to be affixed, and of such part of the license and special rules made under this Act as apply to the building; and with the addition in a factory of the name of the building, or words indicating the purpose for which it is used; and

(7.) All tools and implements used in any repairs to or in a danger building shall be made only of wood or copper or brass or some soft metal or material, or shall be covered with some safe and suitable material; and

(8.) Due provision shall be made, by the use of suitable working clothes without pockets, suitable shoes, searching, and otherwise, or by some of such means, for preventing the introduction into any danger building of fire, lucifer matches, or any substance or article likely to cause explosion or fire, and for preventing the introduction of any iron, steel, or grit into any part of a danger building where it would be likely to come into contact with gunpowder or the wholly or partly mixed ingredients thereof; but this rule shall not prevent the introduction of an artificial light of such construction, position, or character as not to cause any danger of fire or explosion; and

A.D. 1875.

- (9.) No person shall smoke in any part of the factory or magazine, except in such part (if any) as may be allowed by the special rules; and
- (10.) Gunpowder and the wholly or partly mixed ingredients thereof shall be conveyed from one building to another in a factory or magazine, or from any such building to any place outside of such factory or magazine in a carriage, boat, or receptacle which is constructed without any exposed iron or steel in the interior thereof, and contains only the gunpowder or ingredients, and is closed or otherwise properly covered over, and shall be so conveyed with such precautions and in such manner as will sufficiently guard against any accidental ignition; and
- (11.) A person under the age of sixteen years shall not be employed in or enter any danger building, except in the presence and under the supervision of some grown-up person; and
- (12.) In a factory the ingredients in course of manufacture into gunpowder shall be removed with all due diligence from each working building so soon as the process connected with those ingredients which is carried on in such building is completed, and all finished gunpowder shall with all due diligence either be removed to a factory magazine, or sent away immediately from the factory; and
- (13.) In a factory all ingredients to be made or mixed into gunpowder shall, before being so made or mixed, be carefully sifted, for the purpose of removing therefrom, so far as practicable, all dangerous foreign matter.

The Secretary of State may, from time to time, by order, make, and when made rescind and alter, such modifications in the foregoing general rules as may appear to him to be necessary for adapting the same to floating magazines, and such modifications shall have effect as if they were contained in this section.

In the event of any breach (by any act or default) of the general rules in any factory or magazine,—

- (a.) All or any part of the gunpowder or ingredients thereof in respect to which, or being in any building or machine in respect to which, the offence was committed, may be forfeited; and
- (b.) The occupier shall be liable to a penalty not exceeding *ten* pounds, and in addition (in the case of a second offence) *ten* pounds for every day during which such breach continues.

11. Every occupier of a gunpowder factory or magazine shall, with the sanction of the Secretary of State, make special rules for the regulation of the persons managing or employed in or about such factory or magazine, with a view to secure the observance of this Act therein, and the safety and proper discipline of the said persons and the safety of the public.

A.D. 1875.

Special rules
for regula-
tion of
workmen in
factory or
magazine.

There may be annexed to any breach of special rules made in pursuance of this section such penalties, not exceeding *forty shillings* for each offence as may be deemed just.

10 The occupier may, and if required by the Secretary of State shall, with the sanction of the Secretary of State repeal, alter, or add to any special rules made in pursuance of this section.

If an occupier is required by the Secretary of State to make, repeal, alter, or add to any rules under this section, and fail within three months after such requisition to comply therewith to the satisfaction of the Secretary of State, the Secretary of State may make, repeal, alter, or add to the special rules, and anything so done by the Secretary of State shall have effect as if done by the occupier with the sanction of the Secretary of State.

20 *Supplemental as to Factories and Magazines for Gunpowder.*

12. Where the occupier of any gunpowder factory or magazine desires that any alteration should be made in the terms of his license, or any material alteration made in the factory or magazine by enlarging or adding to the site or by enlarging or adding to any building, or by altering any mound otherwise than by enlargement, or by altering any work, he may apply for an amending license.

Alteration of
terms of
license and
enlargement
of factory
or magazine.

If he satisfy the Secretary of State that the alteration, will not materially either increase the danger to the public from fire or explosion, or diminish the distance of any danger building in the factory or magazine from any building or work outside and in the neighbourhood of the factory or magazine, or increase the amount of gunpowder allowed to be kept in the factory magazine, or in any building in the magazine, the Secretary of State may (if he think fit) grant the amending license without any application for the assent of the local authority, but, save as aforesaid, the provisions of this Act with respect to an original license shall apply to such amending license.

13. A gunpowder factory or magazine license shall not be avoided by any change in the occupier of the factory or magazine; but notice of the name, address, and calling of the new occupier shall be sent to the Secretary of State within three months after the change, and

Devolution
and deter-
mination
of license.

A.D. 1875. in default such new occupier shall be liable to a penalty not exceeding *twenty shillings* for every week during which such default continues.

A factory or magazine license shall be determined by a discontinuance of the business carried on in pursuance of any such license if such discontinuance continues for a period of two years or more, or if the factory or magazine is used for any other purpose.

Application of Act to existing Factories and Magazines for Gunpowder.

Continuing
certificate
for existing
factories
and maga-
zines.

14. A factory or magazine for gunpowder used at the time of the passing of this Act shall not be deemed to be a lawfully existing factory or magazine within the meaning of this Act unless the occupier thereof, before the expiration of six months after the commencement of this Act, obtain from the Secretary of State a certificate (in this Act referred to as a continuing certificate) in respect of such factory or magazine.

The occupier desirous of obtaining such certificate shall, before the expiration of three months after the commencement of this Act, send to the Secretary of State an application for such certificate, stating his name, address, and calling, and the situation of his factory or magazine, and accompanied with such particulars respecting the factory or magazine and the site thereof, and the mounds, buildings, and works thereon or connected therewith, as the Secretary of State may deem necessary for enabling him to make out the certificate.

The Secretary of State upon receiving such application shall grant the continuing certificate for the factory or magazine to which the application relates, and shall insert therein, by reference to a plan drawn to scale (which shall be deemed part of the certificate) or otherwise, such particulars as he may consider sufficient to identify the factory or magazine and indicate the site and all the lawfully existing mounds, buildings, and works thereon or connected therewith.

The continuing certificate shall specify the maximum amount of gunpowder to be kept if the certificate is for a factory in each factory magazine, or in all the factory magazines of the factory, and if for a magazine in each building in the magazine, or in all the buildings of the magazine, and the amount so specified, where the maximum amount so to be kept is at the passing of this Act limited by any Act or by license or otherwise, shall be that amount, and, where there is no such limitation, shall be the maximum amount which the factory magazine, or all the factory magazines of the factory, or the building or all the buildings of the magazine was or were capable of holding on the first day of January one thousand eight hundred and seventy-five.

Such of the regulations of sections two and five of the Gunpowder Act, 1860, as are set out in Part One of the first schedule to this Act shall be deemed to form part of the terms of a continuing certificate for a factory. A.D. 1875.

5 The site bounded as described in the certificate shall, with every mound, building, and work thereon, for whatever purpose, be deemed, for the purpose of this Act, to be the factory or magazine referred to in the certificate.

Nothing in the terms of any continuing certificate for a factory or magazine shall require the removal of any lawfully existing building or work.

For the purposes of this Act, a continuing certificate shall (save as otherwise expressly provided) be deemed to be a license, and the factory or magazine, as the case may be, mentioned therein to be a factory or magazine licensed under this Act, and the provisions of this Act shall be construed accordingly.

Provided that—

(1.) It shall not be necessary in any case to apply for the assent of the local authority to an amending license for an alteration in the terms of such certificate, or for an alteration in the factory or magazine; and

(2.) Such factory or magazine, if the certificate is determined by the discontinuance of the business carried on therein, shall cease to be deemed an existing factory or magazine.

25 *Stores for Gunpowder.*

Licensing and Regulation of Stores.

15. Any person may apply for a license for a gunpowder store to the local authority at the time and place appointed by such authority, stating his name, address, and calling, the proposed site and construction of the store and the amount of gunpowder he proposes to store therein; and the local authority shall, as soon as practicable, if the proposed site, construction of the store, and amount of gunpowder are in accordance with the Order in Council herein-after mentioned, grant to the applicant, on payment of such fee not exceeding *five shillings*, as may be fixed by that authority, the license applied for.

Store license obtained from local authority.

16. Her Majesty may from time to time, by Order in Council—

(1.) Regulate the construction and materials and fittings of gunpowder stores; and
(2.) Prescribe the buildings and works from which gunpowder stores are to be separated, and the distances by which they are to be separated; and

Order in Council prescribing situation and construction of stores.

A.D. 1875.

- (3.) Prescribe the maximum amount of gunpowder, not exceeding two tons, to be kept in stores, graduated according to their construction and situation and their distance from the said buildings and works.

Provided that an Order under this section shall not require the removal of any building lawfully existing at the date of the making of such Order.

General
rules for
stores.

17. In every gunpowder store the following general rules shall be observed; that is to say,

- (1.) The provisions of an Order in Council relating to stores so far as they apply to such store shall be duly observed: 10
- (2.) There shall not be at the same time in the store an amount of gunpowder exceeding the amount specified in the license; and
- (3.) The store shall be used only for the keeping of gunpowder, and receptacles for or tools or implements for work connected with the keeping of such gunpowder; and 15
- (4.) The interior of the store, and the benches, shelves, and fittings therein, shall be so constructed or so lined or covered as to prevent the exposure of any iron or steel and the detaching of any grit, iron, steel, or similar substance, in such manner as to come into contact with the gunpowder, and such interior, benches, shelves, and fittings shall, so far as is reasonably practicable, be kept free from grit, and otherwise clean; and 20 25
- (5.) The store shall have attached thereto a sufficient lightning conductor, unless it is made by excavation or is licensed for less than one thousand pounds of gunpowder; and
- (6.) Before repairs are done to or in any part of a store, the store shall, so far as practicable, be cleaned by the removal of all gunpowder and the thorough washing out of the store; and after such cleaning, these rules shall cease to apply to the store until gunpowder is again taken there; and 30
- (7.) All tools and implements used in or in any repairs to the store, shall be made only of wood, copper, or brass, or some soft metal or material, or shall be covered with some safe and suitable material; and 35
- (8.) Due provision shall be made by the use of suitable working clothes without pockets, suitable shoes, searching, and otherwise, or by some of such means, for preventing the introduction into the store of fire, lucifer matches, or any substance or article likely to cause explosion or fire, or any 40

iron, steel, or grit; but this rule shall not prevent the introduction of an artificial light of such construction, position, or character, as not to cause any danger of fire or explosion; and

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5 (9.) No person shall smoke in any part of the store; and

(10.) A person under the age of sixteen years shall not be employed in or enter the store except in the presence and under the supervision of some grown-up person.

In the event of any breach (by any act or default) of the general
10 rules in any store,—

(a.) All or any part of the gunpowder in respect to which or being in the store when the offence was committed may be forfeited; and

(b.) The occupier shall be liable to a penalty not exceeding *ten*
15 *pounds*, and in addition (in the case of a second offence) *ten pounds* for every day during which such breach continues.

18. A store license shall be valid only for the person named in it, and shall annually, if the circumstances be such as would
20 justify the grant of a new license, on application by post or otherwise, and payment of such fee, not exceeding *one shilling*, as may be from time to time fixed by the local authority, be renewed by that authority, by endorsement or otherwise, for that year, and unless so renewed shall expire.

Non-trans-
ferability,
renewal, and
forms of
store li-
censes.

25 Store licenses shall be in the form from time to time directed by the Secretary of State.

19. Every occupier of a gunpowder store may, with the sanction of the Secretary of State, make, and when made, may with the like sanction, repeal, alter, or add to, special rules for the regu-
30 lation of the persons managing or employed in or about such store, with a view to secure the observance of this Act therein, and the safety and proper discipline of the said persons and the safety of the public.

Special
rules for
regulation of
workmen
in stores.

There may be annexed to any breach of special rules made in
35 pursuance of this section such penalties, not exceeding *forty shillings* for each offence, as may be deemed just.

Application of Act to existing Stores for Gunpowder.

20. Any magazine established in pursuance of the Gunpowder Act, 1860, or of any enactment repealed by that Act, for the use
40 of any mine, quarry, colliery, or factory of safety-fuzes, and in use at the passing of this Act, is in this Act referred to as an existing gunpowder store.

Definition of
and con-
tinuing certi-
ficate for
existing
stores which

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are to be
subject to
this Act.

An existing gunpowder store shall not require a continuing certificate as a magazine from the Secretary of State, but shall require a continuing certificate from the local authority, and if such certificate is not obtained before the expiration of six months after the commencement of this Act, shall not be deemed to be a lawfully existing store.

The occupier of the store desirous of obtaining a continuing certificate shall, before the expiration of three months after the commencement of this Act, send an application for such certificate to the local authority, stating his name, address, and calling, and the situation and construction of the store, and accompanied by such particulars respecting the store as may be necessary to enable the local authority to make out the certificate.

The local authority upon receiving such application shall, on payment of such fee not exceeding *half a crown* as may be fixed by that authority, grant the continuing certificate, inserting therein such particulars as appear to them to be sufficient to identify the store, and inserting the maximum amount of gunpowder which the store is to be limited to hold, and such amount shall be the maximum amount which the store was capable of holding on the first day of January one thousand eight hundred and seventy-five, or such less amount as is limited by the regulations below in this section mentioned.

Such of the regulations of the Gunpowder Act, 1860, as are set out in part two of the first schedule to this Act shall apply to every store to which a continuing certificate is granted as if they were contained in an Order in Council under this Act relating to stores.

For the purposes of this Act a continuing certificate for a store shall, save as otherwise expressly provided, be deemed to be a license, and the store a store licensed under this Act, and the provisions of this Act shall be construed accordingly.

Provided that—

- (1.) The store shall not be enlarged, or added to, or so altered as to be of a less secure construction, and any breach of this proviso shall be deemed to be a breach of the general rules relating to stores; and
- (2.) The continuing certificate shall not be limited in duration, but if the business carried on in the store is discontinued and either such discontinuance continues for a period of twelve months or more, or the store is used for another purpose, such store shall cease to be deemed an existing store.

Nothing in this section shall prevent the obtaining for any lawfully existing gunpowder store of a license from the local

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authority under this Act, as in the case of a new store, and a store for which such license is obtained shall, whether a continuing certificate has or has not been previously obtained for the same, cease to be deemed an existing store.

5

*Retail Dealing with Gunpowder.**Registration and Regulation of Registered Premises.*

21. A person desirous of registering with the local authority any premises for the keeping of gunpowder shall register his name and calling, and the said premises (in this Act referred to as his registered premises) in such manner and on payment of such fee, not exceeding *one shilling*, as may be directed by the local authority. Such registration shall be valid only for the person registered, and shall be annually renewed by sending by post or otherwise notice of such renewal to the local authority, together with such fee, not exceeding *one shilling*, as may be fixed by that authority.

Registration
of premises;
with local
authority.

22. The following general rules shall be observed with respect to registered premises:

General
rules for
registered
premises.

- (1.) The gunpowder shall be kept in a house or building, or in a fire-proof safe, such safe, if not within a house or building, to be at a safe distance from any highway, street, public thoroughfare, or public place; and

- (2.) The amount of gunpowder on the same registered premises shall not—

- (a.) If it is kept in a substantially constructed building exclusively appropriated for the purpose and detached from a dwelling house, or in a fire-proof safe outside a dwelling house, and detached therefrom, and at a safe distance from any highway, street, public thoroughfare, or public place, exceed two hundred pounds; and

- (b.) If it is kept inside a dwelling house, or in any building other than as last aforesaid, exceed fifty pounds, unless it is kept in a fire-proof safe within such house or building, in which case the amount shall not exceed one hundred pounds; and

- (3.) An article or substance of an explosive or highly inflammable nature shall not be kept in a fire-proof safe with the gunpowder, and in every case shall be kept at a safe distance from the gunpowder or the safe containing the same; and

- (4.) Neither the building exclusively appropriated for the purpose of keeping the gunpowder nor the fireproof safe shall have any exposed iron in the interior thereof; and

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- (5.) All gunpowder exceeding one pound in amount shall be kept in a substantial case, bag, canister, or other receptacle made and closed so as to prevent the gunpowder from escaping.

In the event of any breach (by any act or default) of such general rules in any registered premises,—

- (a.) All or any part of the gunpowder in respect to which, or being in any building, room, place, safe, or receptacle in respect to which, the offence was committed may be forfeited; and 10
- (b.) The occupier shall be liable to a penalty not exceeding *two shillings* for every pound of gunpowder in respect of which or being on the premises in which the offence was committed.

Supplemental Provisions.

15

Precautions
against fire
or explosion
to be taken
by occupier.

23. The occupier of every factory, magazine, store, and registered premises, and every person employed in or about the same, shall take all due precaution for the prevention of accidents by fire or explosion in the same, and for preventing unauthorised persons having access to the factory, magazine, or store, or to the gunpowder therein or in the registered premises, and shall abstain from any act whatever which tends to cause fire or explosion and is not reasonably necessary for the purpose of the work in such factory, magazine, store, or premises. 20

Any breach (by any act or default) of this section in any factory, magazine, store, or registered premises shall be deemed to be a breach of the general rules applying thereto. 25

Explanation
as to quantities
of
gunpowder
allowed in
buildings.

24. Where any provision of this Act limits the quantity of gunpowder or ingredients of gunpowder to be allowed in any building at any one time, all gunpowder and ingredients in course of removal to or from such building, and within twenty yards therefrom, shall for the purpose of such provision be deemed to be within that building; and where the quantity allowed to be in any building is limited to what is required for the immediate supply and work of such building, or by words not specifying the exact quantity, a Government inspector who considers that the quantity in any such building is in excess, may, after hearing the explanation of the occupier, require the occupier to diminish such quantity to the maximum named in the requisition. 30 35

The occupier, if he feel aggrieved by such requisition, may require the matter to be referred to arbitration in manner provided by this Act. 40

The exact quantity to be allowed in such building shall be determined by the requisition, or if the matter is referred to arbitration by the award. A.D. 1875.

25. An occupier authorised by this Act to require any matter to be referred to arbitration, may, within one month after receiving the requisition or other matter to be so referred, send an objection thereto to the Secretary of State; and if the cause of such objection is not, within one month after such objection is received by the Secretary of State, removed by the Secretary of State waiving or varying the said requisition or matter, or otherwise (which the Secretary of State is hereby authorised to do), may, by notice sent to the Secretary of State, require the matter to be referred to arbitration, and the date of the receipt by the Secretary of State of the last-mentioned notice shall be deemed to be the date of the reference. Regulations as to arbitration.

Arbitrations under this Act shall be conducted in manner provided by the second schedule to this Act.

26. There shall be payable in respect of licenses and continuing certificates granted by the Secretary of State such fees as may be from time to time fixed by him, not exceeding the fees in the third schedule to this Act, and if no fee is fixed the fees mentioned in the said schedule. Fees for licenses.

Such fees shall be taken and paid into the receipt of Her Majesty's Exchequer in such manner as the Treasury may from time to time direct, and shall be carried to the Consolidated Fund.

When the local authority do not fix any fee which they are authorised by this Act to fix, the fee payable shall be the maximum fee which such authority are authorised to fix.

The fees payable to the local authority in respect of any license certificate, or otherwise in pursuance of this Act, shall, where the clerk of the local authority is not wholly paid by fees, be carried to the credit of the local rate, or otherwise disposed of as such local authority may direct, and where such clerk is wholly paid by fees, shall, unless the local authority otherwise direct, be paid to such clerk.

27. For the purposes of the provisions of this Act with respect to the manufacture and keeping of gunpowder, all buildings and places adjoining each other and occupied together shall be deemed to be the same factory, magazine, store, or premises, and shall accordingly be included in one license or one registration. Adjoining places occupied together to be one place.

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Register of
store licenses
and regis-
tered pre-
mises to be
kept by local
authority.

28. The local authority shall cause registers of all store licenses granted by and of all premises registered with them under this Act to be kept in such form and with such particulars as they may direct.

The local authority shall, when so required by the Secretary of State, send to him, within the time fixed by such requisition, a copy of such register or any part thereof, and in default the clerk of such authority, and also the authority if they are in fault, shall be liable to a penalty not exceeding *one pound* for every day during which such default continues.

A ratepayer within the area of the local authority, and a licensee or person registered under this Act, upon payment of a fee of *one shilling*, and a Government inspector, and an officer appointed by any local authority for the purposes of this Act, and an officer of police, without payment, shall be entitled at all reasonable times to inspect and take copies of or extracts from any register kept in pursuance of this section; and the clerk of the local authority and every other person who fails to allow such inspection or taking copies of or extracts from the same, or demands any unauthorised fee therefor, shall be liable to a penalty not exceeding *one pound* for each offence.

Provision in
case of death,
&c. of
occupier
of store or
registered
premises.

29. If the occupier of a store or registered premises dies or becomes bankrupt, or has his affairs liquidated by arrangement, or becomes mentally incapable or otherwise disabled, the person carrying on the business of such occupier shall not be liable to any penalty or forfeiture under this Act for carrying on the business and acting under the license or registration during such reasonable time as may be necessary to allow him to obtain a store license from or to register with the local authority, so that he otherwise conform with the provisions of this Act.

Sale of Gunpowder.

Restriction
on sale of
gunpowder
in highways,
&c.

30. Gunpowder shall not be hawked, sold, or exposed for sale upon any highway, street, public thoroughfare, or public place.

If any gunpowder is hawked, sold, or exposed for sale in contravention of this section—

- (1.) The person hawking, selling, or exposing for sale the same, shall be liable to a penalty not exceeding *forty shillings*; and
- (2.) All or any part of the gunpowder which is so hawked or exposed for sale, or is found in the possession of any person convicted under this section, may be forfeited.

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Sale of gun-
powder in
closed
packages
labelled.

31. All gunpowder exceeding one pound in weight, when publicly exposed for sale or sold, shall be in a substantial case, bag, canister, or other receptacle made and closed so as to prevent the gunpowder from escaping, and (except when the same is sold to
5 any person employed by or on the property occupied by the vendor for immediate use in the service of the vendor or on such property,) the outermost receptacle containing such gunpowder shall have attached thereto a label in conspicuous characters, with the word "gunpowder."

10 If any gunpowder is sold or exposed for sale in contravention of this section—

1. The person selling or exposing for sale the same shall be liable to a penalty not exceeding *forty shillings*; and
2. All or any part of the gunpowder so exposed for sale may be
15 forfeited.

Conveyance of Gunpowder.

32. The following general rules shall be observed with respect to the packing of gunpowder for conveyance :

General
rules as to
packing of
gunpowder.

- 20 1. The gunpowder, if not exceeding five pounds in amount, shall be contained in a substantial case, bag, canister, or other receptacle, made and closed so as to prevent the gunpowder from escaping ; and
- 25 2. The gunpowder if exceeding five pounds in amount shall be contained either in a single package or a double package. A single package must consist of a box, barrel, or case of such strength, construction, and character as may be for the time being approved by the Government inspector. If the gun-
30 powder is packed in a double package the inner package shall be such substantial case, bag, canister, or other receptacle as provided by the preceding rule, and the outer package shall be a box barrel or case of wood or metal or other solid material, and shall be of such construction and strength as not to be broken or accidentally opened whilst
35 being conveyed and not to allow the gunpowder to escape ; and
3. There shall not be any iron or steel in the construction of any such inner or outer package, unless the same is effectually covered with tin, zinc, or other material ; and
- 40 4. The amount of gunpowder in any single package, or if there is a double package in any one outer package shall not exceed one hundred pounds ; and

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5. The outermost package shall have securely attached thereto a label in conspicuous characters with the word gunpowder.

In the event of any breach (by any act or default) of any general rule in this section, the gunpowder in respect of which the breach is committed may be forfeited, and the person guilty of such breach shall be liable to a penalty not exceeding *twenty pounds*.

The Secretary of State may from time to time make, and when made repeal, alter, and add to rules for the purpose of rescinding, altering, or adding to the general rules contained in this section, and the rules so made by the Secretary of State shall have the same effect as if they were enacted in this section.

Byelaws by
harbour
authority
as to convey-
ance load-
ing, &c. of
gunpowder.

33. Every harbour authority shall, with the sanction of the Board of Trade, make byelaws for regulating the conveyance, loading, and unloading of gunpowder within the jurisdiction of the said authority, and in particular for declaring or regulating all or any of the following matters within the jurisdiction of the said authority; namely,

1. Determining the notice to be given by ships and boats conveying, loading, or unloading gunpowder as merchandise within the said jurisdiction; and 20
2. Regulating the navigation and place of mooring of such ships and boats; and
3. Regulating subject to the general rules with respect to packing in this Act contained, the mode of packing gunpowder for conveyance, and of giving notice by labels or otherwise of the nature of the package containing the gunpowder; and 25
4. Regulating the description, construction, fitting up and licensing of the ships, boats, or carriages to be used for the conveyance of gunpowder, and the licensing and dress of the persons having charge thereof; and 30
5. Regulating the safe stowage and safe keeping of any gunpowder on board any such ship or boat, and prohibiting or subjecting to conditions and restrictions the conveyance of gunpowder with any explosive or any articles or substances, or in passenger ships, boats, or carriages; and 35
6. Fixing the places and times at which the gunpowder is to be loaded or unloaded, and the quantity to be loaded or unloaded or conveyed at one time or in one ship, boat, or carriage; and
7. Regulating the mode of and the precautions to be observed in conveying any gunpowder, and in the loading or unloading any ship, boat, or carriage conveying gunpowder as mer- 40

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chandise, and the time during which gunpowder may be kept during such conveyance, loading, or unloading; and

8. Fixing the times at which lights or fires are to be allowed or not allowed on board such ships or boats, as before mentioned, or at which a constable or officer of the harbour authority is to be on board them; and

9. Providing for the publication and supply of copies of the byelaws; and

10. Enforcing the observance of this Act both by their own servants and agents and also by other persons when within the said jurisdiction; and

11. Generally for protecting, whether by means similar to those above mentioned or not, persons and property from danger.

The penalties to be annexed to any breach or attempt to commit any breach of any such byelaws may be all or any of the following penalties, and may be imposed on such persons and graduated in such manner as may be deemed just according to the gravity of the offence and according as it may be a first or second or other subsequent offence, that is to say, pecuniary penalties not exceeding *twenty pounds* for each offence, and *ten pounds* for each day during which the offence continues, and forfeiture of all or any part of the gunpowder in respect of which, or found in the ship, boat, or carriage in respect of which, the breach of byelaw has taken place.

In the event of any breach of a byelaw under this section in the case of any ship, boat, carriage, or gunpowder, whether there has or has not been any conviction for such breach, it shall be lawful for the harbour-master, or other officer named in the byelaws, or any person acting under the orders of the harbour authority, to cause such ship, boat, carriage, or gunpowder, at the expense of the owner thereof, to be removed to such place or otherwise dealt with in such manner as may be in conformity with the byelaws, and all expenses incurred in such removal may be recovered in the same manner as a penalty under this section, and any person resisting such harbour-master or officer or other person in such removal shall be liable to the same penalties as a person is liable to for obstructing the harbour-master in the execution of his duty.

On any part of the coast of the United Kingdom for which there is no harbour authority, the Board of Trade may, if they think it expedient, make byelaws under this section for that part as if it were a harbour and they were the harbour authority, and such byelaws shall be deemed to have been made by a harbour authority with the sanction of the Board of Trade; and they may by such byelaws define the area within which such byelaws are to be

A.D. 1875. observed, and the authorities and officers by whom such byelaws are to be enforced and carried into effect within such area, and every such authority and officer shall for the purposes of this Act, other than making byelaws or assenting to a site for a new factory or magazine, have the same power within the said area as a harbour authority and an officer of a harbour authority have respectively under this Act in a harbour.

Byelaws
by railway
and canal
company as
to con-
veyance,
loading, &c.
of gunpow-
der.

34. Every railway company and every canal company over whose railway or canal any gunpowder is carried shall, with the sanction of the Board of Trade, make byelaws for regulating the conveyance, loading, and unloading of such gunpowder on the railway or canal of the company making the byelaws, and in particular for declaring and regulating all or any of the following matters in the case of such railway or canal; that is to say,

1. Determining the notice to be given of the intention to send gunpowder for conveyance as merchandise on the railway or canal; and
2. Regulating, subject to the general rules with respect to packing in this Act contained, the mode of packing gunpowder for conveyance and of giving notice by labels or otherwise of the nature of the package containing the gunpowder; and
3. Regulating the description and construction of carriages, ships, or boats to be used in the conveyance of gunpowder; and
4. Prohibiting or subjecting to conditions and restrictions the conveyance of gunpowder with any explosive, or with any articles or substances, or in passenger carriages, ships, or boats; and
5. Fixing the places and times at which the gunpowder is to be loaded or unloaded, and the quantity to be loaded or unloaded or conveyed at one time, or in one carriage, ship, or boat; and
6. Determining the precautions to be observed in conveying gunpowder, and in loading and unloading the carriages, ships, and boats used in such conveyance, and the time during which the gunpowder may be kept during such conveyance, loading, and unloading; and
7. Providing for the publication and supply of copies of the byelaws; and
8. Enforcing the observance of this Act both by their servants and agents and also by other persons when on the canal or railway of such company; and
9. Generally for protecting, whether by means similar to those above mentioned or not, persons and property from danger.

Such byelaws, when confirmed by the Board of Trade, shall apply ^{(A.D. 1875.} to the railway, canal, agents, and servants of the company making the same, and to the persons using such railway or canal, or the premises connected therewith and occupied by or under the control of such company.

The penalties to be annexed to any breach or attempt to commit any breach of any such byelaws may be all or any of the following penalties, and may be imposed on such persons and graduated in such manner as may be deemed just, according to the gravity of the offence, and according as it may be a first, second, or other subsequent offence; that is to say, pecuniary penalties not exceeding *twenty pounds* for each offence, and *ten pounds* for each day during which the offence continues, and forfeiture of all or any part of the gunpowder in respect of which, or being in the carriage, ship, or boat or train of carriages, ships, or boats in respect of which the breach of byelaw has taken place.

35. The occupier of every wharf on which gunpowder is loaded or unloaded (if such loading or unloading is not otherwise subject to any byelaws under this Act) may, and if so required by the Secretary of State shall, from time to time with the sanction of the Secretary of State, make byelaws for regulating the loading and unloading of gunpowder on such wharf, and in particular for declaring or regulating all or any of the matters which can be declared or regulated in the case of any wharf within the jurisdiction of a harbour authority by byelaws made by such authority in pursuance of this Act.

Byelaws as to wharves in which gunpowder is loaded or unloaded.

The penalties to be annexed to any breach, or attempt to commit any breach, of any such byelaws may be all or any of the following penalties, and may be imposed on such persons and graduated in such manner as may be deemed just according to the gravity of the offence, and according as it may be a first or second or other subsequent offence, that is to say, pecuniary penalties not exceeding *twenty pounds* for each offence, and *ten pounds* for each day during which the offence continues, and forfeiture of all or any part of the gunpowder in respect of which, or found on the wharf in respect of which, the breach of byelaw has taken place.

Any byelaws made in pursuance of this section may, and if required by the Secretary of State shall, be rescinded, altered, or added to by byelaws made by the occupier with the sanction of the Secretary of State.

If an occupier is required by the Secretary of State to make byelaws under this section for any matter, and fail within three

A.D. 1875. months after such requisition to comply therewith to the satisfaction of the Secretary of State, the Secretary of State may make such byelaws, which shall have effect as if made by the occupier with the sanction of the Secretary of State.

Where by reason of a wharf being a public wharf or otherwise, there is no occupier thereof, or the occupier thereof is unknown, the Secretary of State may make byelaws with respect to such wharf in like manner as if the occupier had failed to comply with his requisition: Provided that where such wharf abuts on any harbour, canal, or railway, the harbour authority or canal or railway company shall have the same power, and if so required by the Secretary of State, shall be under the same obligation to make byelaws under this section for such wharf as if they were the occupiers thereof.

Byelaws as to conveyance by road or otherwise, or loading of gunpowder.

36. The Secretary of State may from time to time make, and when made, rescind, alter, or add to, byelaws for regulating the conveyance, loading, and unloading of gunpowder in any case in which byelaws made under any other provision of this Act do not apply, and in particular for declaring or regulating all or any of following matters; that is to say,

1. Regulating the description and construction of carriages to be used in the conveyance of gunpowder as merchandise; and
2. Prohibiting or subjecting to conditions and restrictions the conveyance of gunpowder with any explosive, or with any articles or substances, or in passenger carriages; and
3. Fixing the places and times at which the gunpowder is to be loaded or unloaded, and the quantity to be loaded or unloaded or conveyed at one time or in one carriage; and
4. Determining the precautions to be observed in conveying gunpowder, and in loading and unloading the carriages used in such conveyance, and the time during which the gunpowder may be kept during such conveyance, loading and unloading; and
5. Providing for the publication and supply of copies of the byelaws; and
6. Generally for protecting, whether by means similar to those above mentioned or not, persons or property from danger.

The penalties to be annexed to any breach, or attempt to commit any breach, of any such byelaws may be all or any of the following penalties, and may be imposed on such persons and graduated in such manner as may be deemed just, according to the gravity of the offence, and according as it may be a first, second, or other

subsequent offence; that is to say, pecuniary penalties not exceeding *twenty pounds* for each offence, and *ten pounds* for each day during which the breach continues, and forfeiture of all or any part of the gunpowder in respect of which, or being in the carriage
5 in respect of which, the breach of byelaw has taken place.

For the purpose of any mode of conveyance which is not a conveyance by land this section shall be construed as if ship or boat were included in the term carriage.

37. The byelaws framed by any railway company, canal company, Confirmation
10 or harbour authority under this Act shall, before being sanc- and publica-
tion of bye-
laws.
tioned by the Board of Trade, be published in such manner as may See 34 & 35
be directed by the Board of Trade, with a notice of the intention of Vict. c. 105,
such company or authority to apply for the confirmation thereof, s. 4.
and may be sanctioned by the Board of Trade with or without any
15 omission, addition, or alteration, or may be disallowed.

Every such byelaw may be from time to time added to, altered, or rescinded by a byelaw made in like manner and with the like sanction as the original byelaw.

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PART II.

LAW RELATING TO OTHER EXPLOSIVES.

Application of Part I. to other Explosives.

Part I.
relating to
gunpowder
applied
to other
explosives.

Modification
of Part I. as
applied to
explosives
other than
gunpowder.

38. Subject to the provisions hereafter in this part of this Act contained, Part One of this Act relating to gunpowder shall 5 apply to every other description of explosive, in like manner as if those provisions were herein re-enacted with the substitution of that description of explosive for gunpowder.

39. The following modifications and additions shall be made in and to Part One of this Act as applied to explosives other than 10 gunpowder:

- (1.) The draft license for a factory or magazine submitted by an applicant to the Secretary of State shall specify such particulars as the Secretary of State may require; and
- (2.) The prescribed general rules shall be substituted for the 15 general rules in Part One of this Act relating to factories, magazines, stores, and registered premises respectively; but no such general rule shall require the removal of any building or work existing at the date of the Order in Council by which such rule is made; 20
- (3.) The Secretary of State may from time to time alter the general rules relating to packing contained in Part One of this Act for the purpose of adapting the same to the packing of any explosive other than gunpowder; and
- (4.) For the maximum amount limited by Part One of this Act 25 to be kept for private use and not for sale, or in a store, and for the minimum amount limited by Part One of this Act to be sold otherwise than in a substantial case, box, canister, or other receptacle as therein mentioned, there shall be substituted in the case of explosives other 30 than gunpowder the following amounts; namely,
 - (a.) Where such explosive consists of safety cartridges made with gunpowder, an amount containing not more than five times the maximum or minimum amount of gunpowder, as the case may be, above mentioned; and 35
 - (b.) In the case of any other explosive, the prescribed amount; and
- (5.) Two or more descriptions of explosives shall not be kept in the same store, or registered premises, except such descriptions as may be prescribed in that behalf; and, 40 when so kept, shall be kept subject to the prescribed conditions and restrictions; and

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(6.) Where any explosive, other than gunpowder, is allowed to be kept in the same store or registered premises with gunpowder, the maximum amount of gunpowder to be kept therein shall be the prescribed amount in lieu of the amount fixed by Part One of this Act; and

(7.) The label shall contain the name of the explosive, with the addition of the word "explosive," and if such label is false in any material particular, the person selling or exposing for sale the same, and also the owner of the explosive, shall be liable to a penalty not exceeding *fifty pounds*:

(8.) With respect to the importation from any place out of the United Kingdom of either dynamite or guncotton, or any explosive (other than gunpowder, cartridges made with gunpowder, percussion caps, fireworks, and any prescribed explosive), the following provisions shall have effect; that is to say,

(a.) The owner and master of any ship having on board any such explosive shall not permit the same to be unloaded and delivered to any person who does not hold a license to import the same (in this Act called an importation license) from the Secretary of State, and any transshipment shall for the purpose of this section be deemed to be delivery; and

(b.) The Secretary of State may grant an importation license for any such explosive, and may annex thereto any prohibitions and restrictions with respect to the composition and quality of the explosive, and the unloading, landing, delivery, and conveyance thereof, and such further provisions and restrictions as he may think fit for the protection of the public from danger; and

(c.) The license shall be of such duration as the Secretary of State may fix, and shall be available only for the person named in the license; and

(d.) In the event of any breach by any act or default of the provisions of this section with respect to the importation of an explosive, or of the provisions of any importation license, all or any part of the explosive with respect to which such breach is committed, or being in any ship or boat in connexion with which such breach is committed, may be forfeited, and the owner and master of such ship or boat, and the licensee or person to whom the explosive is delivered, shall each be liable to a penalty not exceeding *one hundred pounds*, and to

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Exemption
of making
and carrying
safety car-
tridges for
private use.

Extension of
18 & 19 Vict.
c. 119, s. 29.,
and
36 & 37 Vict.
c. 85, ss. 23-
27, to all
explosives.

Power to
prohibit
manufacture,
importation,
storage, and
carriage of
specially
dangerous
explosives.

a further penalty not exceeding *two shillings* for every pound of such explosive; and

(e.) The Commissioners of Customs shall have the same power with respect to any such explosive as they have for the time being with respect to any article on the importation of which restrictions are for the time being imposed by the law relating to the Customs, and the enactments for the time being in force relating to the Customs or any such article shall apply accordingly.

40. Nothing in this Act shall apply to the filling or conveying, for private use and not for sale, of any safety cartridges to the amount allowed by this Act to be kept for private use. 10

41. Section twenty-nine of the Passengers Act, 1855, and sections twenty-three to twenty-seven, both inclusive, of the Merchant Shipping Act, 1873, shall apply to every explosive within the meaning of this Act in like manner as they apply to gunpowder. 15

Specially dangerous Explosives.

42. Notwithstanding anything in this Act, Her Majesty from time to time, by Order in Council, may prohibit, either absolutely, or except in pursuance of a license of the Secretary of State under this Act, or may subject to conditions or restrictions the manufacture, keeping, importation from any place out of the United Kingdom, conveyance and sale, or any of them, of any explosive which is of so dangerous a character that, in the judgment of Her Majesty, it is expedient for the public safety to make such Order : 25

Provided that such Order shall not absolutely prohibit anything which may be lawfully done in pursuance of any continuing certificate under this Act.

Any explosive manufactured or kept in contravention of any such Order shall be deemed to be manufactured or kept, as the case may be, in an unauthorised place. 30

Any explosive conveyed in contravention of any such Order shall be deemed to be conveyed in contravention of a byelaw made under this Act with respect to the conveyance of explosives.

If any explosive is imported or sold in contravention of any such Order,— 35

1. All or any part of such explosive may be forfeited; and,
2. The owner or master of the ship in which it was imported shall be liable to a penalty not exceeding *ten shillings* for every pound of such explosive brought in the ship; and, 40
3. The person to whom it was delivered and the person selling the same shall be liable to a penalty not exceeding *ten*

shillings for every pound of such explosive delivered or sold or found in his possession. A.D. 1875.

The Commissioners of Customs and their officers shall have the same power with respect to any such explosive, and the ship conveying the same, as they have for the time being with respect to any article prohibited to be imported by the law relating to the Customs, and the enactments for the time being in force relating to the Customs and any such article shall apply accordingly.

Provisions in favour of certain Manufacturers and Dealers.

10 43. The occupier of a factory for any explosive shall not be required by this Act to take out a factory license for making up on such factory the explosive made thereon into cartridges or charges for cannon or blasting not containing within themselves their own means of ignition. Provision in favour of makers, &c. of blasting cartridges.

15 The occupier of any magazine, store, or registered premises for keeping any explosive may keep that explosive when made up into such cartridges or charges as above in this section mentioned, as if it were not so made up, and the provisions of this Act with respect to the keeping of any explosive shall apply to the keeping of that
20 explosive when made up into the said cartridges or charges, in like manner as if the explosive were not so made up.

44. The occupier of a factory for any explosive who manufactures a new explosive or new form of explosive similar to the one specified in his license, shall not be deemed to have manufactured
25 the same in an unauthorised place if he manufacture the same on a small scale, and exclusively for the purpose of trial and not for sale, and he send notice of the same, as soon as he has manufactured it, to the Secretary of State, and if he observe the provisions of this Act, so far as they are applicable. Provision in favour of makers of new explosive for experiment.

30 45. The occupier of a magazine, store, or registered premises for any explosive shall not be required by this Act to take out a factory license by reason that in connexion with such magazine, store, or premises he fills for sale or otherwise any cartridge for small arms with the said explosive, so that he observe the following
35 regulations; namely,

- (1.) There shall not be in the room in which such filling is being carried on more than five pounds of gunpowder, or the prescribed amount of any other explosive, except it is made up into safety cartridges; and
- 40 (2.) Any work unconnected with the making of the cartridges shall not be carried on in the room while such filling is being carried on; and

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- (3.) There shall not be in the room while such filling is being carried on any fire nor any artificial light, except a light of such construction, position, or character as not to cause any danger of fire or explosion; and
- (4.) In the case of a magazine or store, the room in which the filling is carried on shall be detached from the magazine or store, but in the immediate neighbourhood thereof, and at such distance therefrom as may be specified in the case of a magazine by the license, and in the case of a store by an Order in Council relating to stores; and
- (5.) The occupier shall give notice in the case of a magazine to the Secretary of State, and in the case of a store or registered premises to the local authority, that he intends to carry on such filling of cartridges as is allowed by this section.

Provided that this section shall not, except with the consent of the Secretary of State, apply to any magazine or store for which a continuing certificate has been obtained under this Act, which consent the Secretary of State, if satisfied that the filling of cartridges in accordance with this section ought (due regard being had to the safety of the public) to be allowed, may grant either absolutely or upon such conditions as he may, under the special circumstances of the case, think expedient to secure the safety of the public.

The regulations in this section and any conditions so made by the Secretary of State as last aforesaid, shall be deemed to be general rules under this Act relating to the magazine, store, and registered premises respectively, and the breach of them shall be punished accordingly.

Provision in favour of owners of mines and quarries, as to making charges, &c. for blasting.

46. The occupier of any magazine or store for any explosive shall not be required by this Act to take out a factory license by reason that in connexion with such magazine or store, he, by filling cartridges, making charges, drying, sifting, fitting, or otherwise, adapts or prepares the said explosive for use exclusively in his mine or quarry, or in some excavation or work carried on by him or under his control, so that he observe the following regulations; namely,

- (1.) There shall not be in the workshop in which such adaptation or preparation is carried on more than one hundred pounds of gunpowder or the prescribed amount of any other explosive; and
- (2.) Any work unconnected with such adaptation or preparation shall not be carried on in the said workshop while such adaptation or preparation is being carried on; and

(3.) The said workshop shall be detached from the magazine or store, but in the immediate neighbourhood thereof, and at such distance therefrom as may be specified, in the case of a magazine by the license, and in the case of a store by an Order in Council relating to stores; and

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(4.) An explosive of one description shall not be converted into an explosive of another description, and shall not be unmade or resolved into its ingredients; and

(5.) The occupier shall give notice in the case of a magazine to the Secretary of State, and in the case of a store to the local authority, that he intends to carry on such adaptation or preparation as is allowed by this section.

Provided that this section shall not, except with the consent of the Secretary of State, apply to any magazine or store for which a continuing certificate has been obtained under this Act, which consent the Secretary of State, if satisfied that the adaptation or preparation in accordance with this section ought (due regard being had to the safety of the public) to be allowed, may grant either absolutely or upon such conditions as he may, under the special circumstances of the case, think expedient to secure the safety of the public.

The regulations in this section, and any conditions so made by the Secretary of State as last aforesaid, shall be deemed to be general rules under this Act relating to the magazine and store respectively, and the breach of them shall be punished accordingly.

The following general rules shall apply as if the said workshop were a danger building, that is to say, if the adaptation or preparation carried on is of gunpowder only, the general rules with respect to a factory in Part One of this Act, and in any other case the prescribed general rules; and the breach of such general rules shall be punished in like manner as the breach of general rules with respect to a factory.

47. A firework factory shall not be deemed to be a small firework factory for the purposes of this Act if there is upon the same factory at the same time—

Provision in favour of small firework manufacturer who may obtain a license from the local authority.

(a.) More than one hundred pounds of any explosive other than manufactured fireworks and coloured fires and stars; or

(b.) More than five hundred pounds of manufactured fireworks, either finished or partly finished; or

(c.) More than twenty-five pounds of coloured fires or stars, not made up into manufactured fireworks.

The occupier of a small firework factory shall not be required to

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A person having such license from the local authority who manufactures an explosive (other than nitro-glycerine or any prescribed explosive) for the purpose only of the manufacture of coloured fires or a manufactured firework in accordance with this Act, and does not sell the same except in the form of coloured fires packed in the manner required by this Act, or of a manufactured firework, shall not be deemed to manufacture an explosive in an unauthorised place.

Licensing by local authority and regulation of small firework factories.

48. Any person may apply for a small firework factory license to the local authority at the time and place appointed by such authority, stating his name, address, and calling, and the proposed site and construction of the factory, and the amount and description of explosive he proposes to have therein, and in any building therein; and the local authority shall, as soon as practicable, if the proposed site, construction of the factory, and amount of explosive is in accordance with the Order in Council regulating small firework factories, grant to the applicant, on payment of such fee, not exceeding *five shillings*, as may be fixed by that authority, the license applied for.

The powers of this Act of making Orders in Council with respect to stores and of prescribing general rules with respect to stores shall extend to making Orders in Council and prescribing general rules with respect to small firework factories and the buildings thereon; and any breach (by any act or default) of any such general rule, shall involve the same penalties and forfeitures as a breach of a general rule relating to stores.

A small firework factory license shall be valid only for the person named in it, and the provisions of this Act with respect to the renewal, expiration, and form of store licenses, and fees for such renewal, and to special rules for the regulation of persons managing or employed in or about stores, shall apply in like manner as if they were herein enacted, and in terms made applicable to small firework factory licenses and small firework factories respectively

Keeping without a license and conveyance of percussion caps, &c.

49. A person shall not be required by this Act to take out a license or to register any premises for the keeping of percussion caps, safety-fuzes for blasting, fog-signals kept by any railway company for use on the railway of such company, or any prescribed explosive.

It shall not be obligatory on any harbour authority, railway company, canal company, or occupier of a wharf, to make any byelaws

with respect to the conveyance, loading, or unloading of any explosives to which this section applies. A.D. 1875.

It shall be lawful for Her Majesty, by Order in Council, to exempt any explosive to which this section applies, or any description thereof, from any other of the provisions of this Act, or to declare that a license shall be required for the keeping of any explosive to which this section applies, or any description thereof, or that byelaws shall be made with respect to the loading, unloading, and conveyance thereof.

Existing Factories, Magazines, and Stores.

50. In any continuing certificate for a lawfully existing factory or magazine for any explosive other than gunpowder, the regulations set out in the first schedule to this Act shall not form part of the terms of such certificate, but in lieu thereof the Secretary of State shall insert in the certificate as the terms thereof,—

Application of Part I. of the Act to existing factories and magazines.

(1.) If the factory or magazine is for dynamite or any substance having nitro-glycerine as one of its component parts or ingredients, the conditions contained in the existing license, with such modifications (if any) as the Secretary of State may think necessary in order to bring the same into conformity with this Act, and also any limitation of time for the expiration of the license contained in the existing license, and also the existing power of the Secretary of State to revoke the license; and,

(2.) In any other case, such terms as the Secretary of State may think expedient, having regard to the conditions (if any) contained in the license under which the factory or magazine is established; and such terms shall include any limitation of time contained in such license, but shall not require the removal of any lawfully existing building or work.

If a new license under this Act is obtained for keeping in an existing gunpowder store any explosive other than gunpowder, the continuing certificate of such store shall be determined, and the store shall cease to be deemed to be an existing gunpowder store within the meaning of this Act.

51. Where the existing license of a factory or magazine for any explosive other than gunpowder will expire within twelve months after the commencement of this Act, the occupier of such factory or magazine shall not require a continuing certificate under this Act, but until such license expires shall be entitled to use such

Continuing certificate not required for factory, magazine, or importation license

A.D. 1875. factory or magazine in like manner as if this Act had not passed, without prejudice nevertheless to any application by him for a license under this Act for such factory or magazine, but after a license under this Act is obtained for the same, or after the expiration of the existing license, such factory or magazine shall not be deemed to be a lawfully existing factory or magazine within the meaning of this Act. 5

expiring
within 12
months, or
for stores
licensed
under Nitro-
glycerine
Act, 1869.

The occupier of any magazine licensed at the time of the passing of this Act by a general magazine license under the Nitro-glycerine Act, 1869, shall not require a continuing certificate under this Act, 10 but until the expiration of six months after the commencement of this Act shall be entitled to use such magazine in like manner as if this Act had not passed, without prejudice nevertheless to a license under this Act being obtained for the same; but after a license under this Act is obtained for the same, or after the expiration of 15 the said six months, such license shall determine, and such magazine shall not be deemed to be a lawfully existing magazine or store within the meaning of this Act.

The holder of any existing importation license under the Nitro-glycerine Act, 1869, shall, until the expiration of six months 20 after the commencement of this Act, be entitled to act under such license in like manner as if this Act had not passed, without prejudice nevertheless to any application by him for an importation license under this Act; but after such license under this Act is obtained, or after the expiration of the said six months, such 25 existing license shall determine.

PART III.

ADMINISTRATION OF LAW.

*Government Supervision.**Inspection.*

5 **52.** The Secretary of State may from time to time by order appoint any fit persons to be inspectors for the purposes of this Act, and assign them their duties, *and award them such salaries as the Commissioners of Her Majesty's Treasury may approve,* and remove such inspectors, and any such inspector is referred to in this
10 Act as a Government inspector.

Appointment
of Govern-
ment inspec-
tors.

Every order appointing an inspector shall be published in the London Gazette.

15 **53.** Any person who practises or acts, or is a partner with any person who practises or acts, as a manufacturer, storer, carrier, importer or exporter of or trader or dealer in an explosive, or holds any patent connected with an explosive, or is otherwise directly or indirectly engaged or interested in any such manu-
20 facture, storage, conveyance, importation, exportation, trade, dealing, or patent, shall not act as an inspector under this Act.

Disqualifica-
tion of per-
sons as in-
spectors.

20 **54.** A Government inspector shall have power to make such examination and inquiry as may be necessary to ascertain whether this Act is complied with, and for that purpose,—

Powers of
Government
inspectors.
See

25 (1.) He may enter, inspect, and examine any factory, magazine, or store of any explosive, and every part thereof, at all times by day and night, but so as not to unnecessarily impede or obstruct the work in such factory, magazine, or
30 store, and may make inquiries as to the observance of this Act and all matters and things relating to the safety of the public or of the persons employed in or about such factory, magazine, or store; and,

23 & 24 Vict.
c. 139. s. 17.
34 & 35 Vict.
c. 78. s. 4.
35 & 36 Vict.
c. 76. s. 45.

35 (2.) He may enter, inspect, and examine any premises registered under this Act, and every part thereof, in which any explosive is kept, or is reasonably supposed by him to be kept, at all reasonable times by day; and,

35 (3.) He may require the occupier of any factory, magazine, store, or premises which he is entitled, under this section, to enter, or a person employed by such occupier therein to give him samples of any explosive, or ingredients

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of an explosive therein, or of any substance therein, the keeping of which is restricted or regulated by this Act, or of any substance therein which the inspector believes to be an explosive, or such ingredients or substance.

The occupier of every such factory, magazine, store, and registered premises, his agents and servants, shall furnish the means required by the inspector as necessary for every such entry, inspection, examination, and inquiry.

Any person who fails to permit a Government inspector to enter, inspect, examine, or make inquiries in pursuance of this section, or to comply with any requisition of such inspector in pursuance of this section, or who in any manner obstructs such inspector in the execution of his duties under this Act, shall be liable to a penalty not exceeding *one hundred pounds* for each offence.

Notice by
Government
inspector to
remedy
dangerous
practices, &c.
and penalty
for non-com-
pliance.
See
35 & 36 Vict.
c. 76. s. 46.

55. If in any matter (which is not provided for by any express provision of this Act) an inspector find any factory, magazine, or store for an explosive, or any part thereof, or any thing or practice therein or connected therewith, to be unnecessarily dangerous or defective, so as in his opinion to tend to endanger the public safety or the bodily safety of any person, such inspector may require the occupier of such factory, magazine, or store, to remedy the same.

Where the occupier objects to comply with the requisition he may require the matter to be referred to arbitration in manner provided by this Act.

No person shall be precluded by any contract from doing such acts as may be necessary to comply with a requisition or award under this section; and no person shall be liable under any contract to any penalty or forfeiture for doing those acts if he gave notice of such contract to the inspector at or before the time at which the inspector made the requisition or to the arbitrators before the award was made.

If the occupier fail to comply with the requisition or award within twenty days after the expiration of the time for requiring the matter to be referred to arbitration, or the date of the award, as the case may be, he shall be liable to a penalty not exceeding *twenty pounds* for every day during which he so fails to comply.

Provided that the court, if satisfied that the occupier has taken active measures for complying with the requisition or award, but has not, with reasonable diligence, been able to complete the works, may adjourn any proceedings taken before them for punishing such

failure, and if the works are completed within a reasonable time A.D. 1875.
in the opinion of the court, no penalty shall be inflicted.

56. A report of the proceedings of the Government inspectors under this Act shall be made annually to the Secretary of State, by
5 such inspectors and in such manner and form as may be directed by him, and shall be laid before both Houses of Parliament.

Annual report of Government inspectors proceedings.

57. The Board of Trade may from time to time, by order, direct—

Inspection by railway inspectors or inspectors of Board of Trade.

10 (a.) Any person acting under the Board as an inspector of railways to inquire into the observance of this Act by any railway company or canal company, and generally to act with respect to any railway or canal as an inspector under this Act; or

15 (b.) Any person acting under the Board as an inspector or otherwise for the purposes of the Merchant Shipping Act, 1854, or the Acts amending the same, to inquire into the observance of this Act in any harbour or in the case of any ship, and generally to act in such harbour and with respect to ships as an inspector under this Act.

20 The Board of Trade may revoke any such order; and each such inspector shall, while such order is in force, have for that purpose the same powers and authorities as he has under the Acts in pursuance of which he was originally appointed inspector, and also
25 the powers and authorities of a Government inspector under this Act.

58. Where a magazine or store is established for the purpose of any mine subject to the Coal Mines Regulation Act, 1872, or the Metalliferous Mines Regulation Act, 1872, by the owner (as defined by such Act) of the mine, the Secretary of State may from
30 time to time by order direct an inspector under either of those Acts to act with respect to such magazine or store as a Government inspector under this Act, and may revoke any such order; and such inspector shall, while such order is in force, have for that purpose the same powers and authorities as he has under the said Acts, and also
35 the powers and authorities of a Government inspector under this Act.

Application of 35 & 36 Vict. c. 76. and c. 77. to magazines used for mines.

59. A copy of any license confirmed by the Secretary of State under this Act, and of any special rules under this Act, certified by a Government inspector, shall be evidence of such license and special rules respectively, and of the fact of such license having
40 been duly granted and confirmed and such special rules duly established under this Act.

License and special rules certified by Government inspector to be evidence. 35 & 36 Vict. c. 76. s. 59.

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Keeping
and carriage
of samples
by Govern-
ment in-
spector.

60. A Government inspector, and any other person authorised by him for the purpose, may keep and convey any sample taken for the purposes of this Act by or by authority of such inspector, so that the amount of it do not exceed what is reasonably necessary for the purpose of enabling such inspector to perform his duties 5 under this Act, and be kept and carried with all due precautions to prevent accident; and such inspector or person shall not be liable to any penalty, punishment, or forfeiture under this or any other Act for keeping or conveying such sample.

Salaries of
Government
inspectors
and expenses
of Act.

61. *The salaries of the Government inspectors, and the expenses 10 incurred by the Secretary of State or the Government inspectors in carrying this Act into execution, shall be defrayed out of moneys provided by Parliament.*

Accidents.

Notice to be
given of
accidents
connected
with ex-
plosive.

62. Whenever there occurs any accident by explosion or by fire in 15 or about or in connexion with any factory, magazine, or store, or any accident by explosion or by fire causing loss of life or personal injury in or about or in connexion with any registered premises, the occupier of such factory, magazine, store, or premises shall forthwith send or cause to be sent notice of such accident and of the 20 loss of life or personal injury (if any) occasioned thereby to the Secretary of State.

Where in, about, or in connexion with any carriage, ship, or boat, either conveying an explosive, or on or from which an explosive is being loaded or unloaded, there occurs any accident by 25 explosion or by fire causing loss of life or personal injury, or if the amount of explosive conveyed or being so loaded or unloaded exceeds in the case of gunpowder half a ton, and in the case of any other explosive the prescribed amount, any accident by explosion or by fire, the owner or master of such carriage, ship, or boat, and the 30 owner of the explosive conveyed therein or being loaded or unloaded therefrom, or one of them, shall forthwith send or cause to be sent notice of such accident, and of the loss of life or personal injury if any occasioned thereby, to the Secretary of State.

Every such occupier, owner, or master as aforesaid who fails to 35 comply with this section shall be liable to a penalty not exceeding *twenty pounds*.

Re-construc-
tion of build-
ings de-
stroyed by
accident.

63. Where an accident has occurred in, and wholly or partly destroyed a factory magazine, or any magazine or store, the factory magazine, magazine, or store shall not be reconstructed, 40 and any further supply of an explosive shall not be put therein,

except with the written permission of the Secretary of State; and any explosive put therein in contravention of this section shall be deemed to be kept in an unauthorised place, and the offence may be punished accordingly. A.D. 1875.

- 5 Where an accident in a factory has wholly or partly destroyed two or more buildings in such factory (unless in a gunpowder factory both of such buildings are incorporating mills); not more than one of such buildings shall be reconstructed except with the written permission of the Secretary of State.
- 10 The reconstruction of any building in contravention of this section shall be deemed to be a breach of the terms of the license, and shall be punished accordingly.

64. With respect to coroners inquests on the bodies of persons whose death may have been caused by the explosion of any explosive or by any accident in connexion with an explosive, the following provisions shall have effect:

Provisions as to coroners inquests on deaths from accidents connected with explosives. See 35 & 36 Vict. c. 76. s. 50.

- (1.) Where a coroner holds an inquest upon a body of any person whose death may have been caused by any accident of which notice is required by this Act to be given to the Secretary of State, or by the explosion of any explosive, the coroner shall adjourn such inquest unless a Government inspector, or some person on behalf of the Secretary of State, is present to watch the proceedings:
- 20 (2.) The coroner, at least four days before holding the adjourned inquest, shall send to the Secretary of State notice in writing of the time and place of holding the adjourned inquest:

- (3.) The coroner, before the adjournment, may take evidence to identify the body, and may order the interment thereof:
- 30 (4.) If an explosion or accident has not occasioned the death of more than one person, and the coroner has sent to the Secretary of State notice of the time and place of holding the inquest not less than forty-eight hours before the time of holding the same, it shall not be imperative on him to adjourn such inquest in pursuance of this section, if the majority of the jury think it unnecessary so to adjourn:
- 35 (5.) A Government inspector or person employed on behalf of the Secretary of State shall be at liberty at any such inquest to examine any witness, subject nevertheless to the order of the coroner on points of law:

- (6.) Where evidence is given at an inquest at which no Government inspector or person employed on behalf of the Secretary of State, is present of any neglect as having

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caused or contributed to the explosion or accident, or of any defect in or about or in connexion with any factory, magazine, store, or registered premises, or any carriage, ship, or boat carrying an explosive, appearing to the coroner or jury to require a remedy, the coroner shall 5 send to the Secretary of State notice in writing of such neglect or defect.

Inquiry into accidents and formal investigation in serious cases.

See

34 & 35 Vict. c. 78. ss. 7, 11.

65. The Secretary of State may direct an inquiry to be made by a Government inspector into the cause of any accident which is caused by an explosion or fire either in connexion with any explo- 10 sive, or of which notice is required by this Act to be given to the Secretary of State, and where it appears to the Secretary of State, either before or after the commencement of any such inquiry, that a more formal investigation of the accident, and of the causes thereof, and of the circumstances attending the same, is expedient, the 15 Secretary of State may by order direct such investigation to be held, and with respect to such inquiry and investigation the following provisions shall have effect:

- (1.) The Secretary of State may, by the same or any subsequent order, appoint any person or persons possessing legal or 20 special knowledge to assist the Government inspector in holding the formal investigation, or may direct the county court judge, stipendiary magistrate, metropolitan police magistrate, or other person or persons named in the same or any subsequent order, to hold the same with the assist- 25 ance of a Government inspector or any other assessor or assessors named in the order:
- (2.) The persons holding any such formal investigation (in this section referred to as the court) shall hold the same in open court in such manner and under such conditions as they 30 may think most effectual for ascertaining the causes and circumstances of the accident, and enabling them to make the report in this section mentioned:
- (3.) The court shall have for the purpose of such investigation all the powers of a court of summary jurisdiction when 35 acting as a court in hearing informations for offences against this Act, and all the powers of a Government inspector under this Act, and in addition the following powers; namely,
 - (a.) They may enter and inspect any place or building 40 the entry or inspection whereof appears to them requisite for the said purpose:

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(b.) They may by summons under their hands require the attendance of all such persons as they think fit to call before them and examine for the said purpose, and may for such purpose require answers or returns to such inquiries as they think fit to make :

(c.) They may require the production of all books, papers, and documents which they consider important for the said purpose :

(d.) They may administer an oath, and require any person examined to make and sign a declaration of the truth of the statements made by him in his examination :

(e.) Persons attending as witnesses before the court shall be allowed such expenses as would be allowed to witnesses attending before a court of record ; and in case of dispute as to the amount to be allowed, the same shall be referred by the court to a master of one of the superior courts, who, on request under the hands of the members of the court, shall ascertain and certify the proper amount of such expenses :

(4.) The Government inspector making an inquiry into any accident and the court holding an investigation of any accident under this section shall make a report to the Secretary of State, stating the causes of the accident and all the circumstances attending the same, and any observations thereon or on the evidence or on any matters arising out of the inquiry or investigation which he or they think right to make to the Secretary of State, and the Secretary of State shall cause every such report to be made public in such manner as he thinks expedient :

(5.) All expenses incurred in and about an inquiry or investigation under this section shall be deemed to be part of the expenses of the Secretary of State in carrying this Act into execution : and

(6.) Any person who without reasonable excuse (proof whereof shall lie on him) either fails, after having had the expenses (if any) to which he is entitled tendered to him, to comply with any summons or requisition of a court holding an investigation under this Act, or prevents or impedes such court in the execution of their duty, shall for every such offence incur a penalty not exceeding *ten pounds*, and in the case of a failure to comply with a requisition for making any return or producing any docu-

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ment, not exceeding *ten pounds* during every day that such failure continues.

Local Supervision.

Definition and Powers of Local Authority.

Definition
of local
authority.

66. The local authority, for the purposes of this Act, shall be— 5

- (1.) In the city of London, except as hereafter in this section mentioned, the court of the Lord Mayor and aldermen of the said city; and
- (2.) In the metropolis, (that is, in places for the time being within the jurisdiction of the Metropolitan Board of Works under the Metropolis Management Act, 1855,) except the city of London, and except as hereafter in this section mentioned, the Metropolitan Board of Works; and
- (3.) In any borough in England which is not assessed to the county rate of any county by the justices of such county, except as hereafter in this section mentioned, the mayor, aldermen, and burgesses acting by the council; and
- (4.) In any harbour within the jurisdiction of a harbour authority, whether situate or not within the jurisdiction of any local authority before in this section mentioned, the harbour authority, to the exclusion of any other local authority; and
- (5.) In any place in which there is no local authority as before in this section defined, the justices in petty sessions assembled. 25

Power of
certain local
bodies to
become a
local autho-
rity.

67. The council of any borough which is assessed to the county rate of any county by the justices of such county and the commissioners of any Improvement district may by order of a Secretary of State made upon the application of such council or commissioners, and published in the London Gazette, be declared to be a local authority for the purposes of this Act, and thereupon shall become a local authority accordingly for such part of their borough or district as is not included in any harbour to the exclusion of the justices in petty sessions. 30

Duty of local
authority
and power of
officer.

68. It shall be the duty of every local authority to carry into effect within their jurisdiction the powers vested in them under this Act. 35

Any officer authorised by the local authority may, on producing, if demanded, either a copy of his authority purporting to be certified by the clerk or some member of the local authority, or some

other sufficient evidence of his authority, require the occupier of any store (not being subject to the inspection under this Act of any inspector of mines) or any registered premises or any small firework factory, to show him every or any place and all or any of the receptacles in which any explosive or ingredient of an explosive, or any substance the keeping of which is restricted or regulated by this Act, that is in his possession is kept, and to give him samples of such explosive ingredient or substance, or of any substance which the officer believes to be an explosive or such ingredient or substance.

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34 & 35 Vict.
c. 105. ss. 11,
12.

Any occupier of a store or registered premises who refuses to comply with any such requisition of an officer of the local authority, or to give him such assistance as he may require for the purpose of this section, or who wilfully obstructs the local authority, or any officer of the local authority, in the execution of this Act, shall be liable to a penalty not exceeding *twenty pounds*.

69. All expenses incurred by any local authority in carrying into effect the execution of this Act, including the salary and expenses of any officer directed by them to act under this Act, shall be paid out of the local rate. The local rate shall for the purposes of this Act mean as follows; that is to say,

Expenses of
local authority.

In the city of London the consolidated rate;

In the metropolis (exclusive of the city of London) the consolidated rate as levied in the metropolis exclusive of the city of London, and without any demand on such city;

In a borough the borough fund or borough rate;

In a harbour any moneys, fund, or rate applicable or leviable by the harbour authority for any harbour purposes;

In any place where the justices in petty sessions are the local authority the county rate; and

In an improvement district any fund, moneys, or rate applicable or leviable by the Improvement Commissioners for any purposes of improvement within their district;

And the local rate or any increase of the local rate may notwithstanding any limitation in any Act be levied for the purposes of this Act.

Undertaking
of carriage
by harbour

Power of Local Authority to provide Carriages and Magazines.

70. Every harbour authority and canal company shall, in addition to any other powers they may have for the same purpose, have

A.D. 1875. power to provide carriages, ships, and boats for the conveyance, loading, or unloading of an explosive within the jurisdiction of such authority or company, and may charge a reasonable sum fixed by a byelaw under this Act for the use of such carriage, ship, or boat.

5

Provision of
magazines
by local
authority.

71. Where any local authority other than justices in petty sessions satisfy the Secretary of State that the erection of a magazine by such authority, either within or without their jurisdiction, for the keeping of any explosive, would conduce to the safety of the public within their jurisdiction, and would not be injurious to any harbour or urban sanitary district out of their jurisdiction, the Secretary of State may grant a license under this Act for such magazine. 10

Where the magazine is without the jurisdiction of the local authority erecting the same, the assent of the local authority within whose jurisdiction the site is situate to such site shall be applied for in manner provided by this Act, and when the magazine is within the said jurisdiction notice of the application to the Secretary of State for the license shall be given in like manner as notice of the intention to apply for the assent of the local authority to a site is required by this Act to be given. 15 20

The local authority may, for the purpose of any such license, acquire any land or right over land, or appropriate any land or right belonging to them, and acquire or build a magazine, and may maintain and manage such magazine, and may charge for the use by persons of any such magazine such reasonable sums as they may from time to time, with the approval of the Secretary of State, fix. 25

Such sums shall be applied in aid of the local rate, and the expenses incurred for the purposes of this section may be defrayed out of the local rate, and the local authority may borrow on the security of the local rate the amount required for the purpose of acquiring any land or right over land, or acquiring or building a magazine in pursuance of this section. 30

Any such loan shall be made with the approval, in the case of a council, of the Treasury, and in the case of Improvement Commissioners, of the Local Government Board, and in the case of a harbour authority, of the Board of Trade. 35

For the purpose of such borrowing the clauses of "The Commissioners' Clauses Act, 1847," with respect to the mortgages to be executed by the Commissioners, shall be incorporated with this Act, and in the construction of those clauses for the purpose of this Act, 40

this Act shall be deemed to be the special Act, and the local authority which is borrowing shall be deemed to be the Commissioners. A.D. 1875.

For the purpose of the purchase of any land or right over land for the purpose of this section "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same (except so much as relates to the purchase of land otherwise than by agreement,) shall be incorporated with this section, and in construing those Acts for the purposes of this section the special Act shall be construed to mean this Act, and the promoters of the undertaking shall be construed to mean the local authority, and land shall be construed to include any right over land.

Where any offence under this Act is committed in or about any magazine erected in pursuance of this section, such offence may be prosecuted and tried and the penalty and forfeiture therefor recovered either in the county or place in which the magazine is situate, or in any adjoining county or place.

General Power of Search.

72. Where any of the following officers,—namely, any Government inspector, or any constable or any officer of the local authority, if such constable or officer is specially authorised either by a warrant of a justice (which warrant such justice may grant upon reasonable ground being assigned on oath), or, (where it appears to a superintendent or other officer of police of equal or superior rank, or to a Government inspector, that the case is one of emergency and that the delay in obtaining a warrant would be likely to endanger life,) by a written order from such superintendent officer or inspector,—has reasonable cause to believe that any offence has been or is being committed with respect to an explosive in any place (whether a building or not, or a carriage, boat, or ship), or that any explosive is in any such place in contravention of this Act, or that the provisions of this Act are not duly observed in any such place, such officer may, on producing if demanded in the case of a Government inspector a copy of his appointment, and in the case of any other officer his authority, enter at any time, and if needs be by force, and as well on Sunday as on other days, the said place, and every part thereof, and examine the same, and search for explosives therein, and take samples of any explosive and ingredient of an explosive therein, and any substance reasonably supposed to be an explosive, or such ingredient which may be found therein.

Search for explosive when in place in contravention of this Act, or offence being committed with respect to it.
See 23 & 24 Vict. c. 139. ss. 25, 27.
34 & 35 Vict. c. 105. s. 13.
28 & 29 Vict. c. cclxxviii. s. 4.

Any person who, by himself or by others, fails to admit into any place occupied by or under the control of such person any officer

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demanding to enter in pursuance of this section, or in any way obstructs such officer in the execution of his duty under this section, shall be liable to a penalty not exceeding *fifty pounds*, and shall also be liable to forfeit all explosives, and ingredients thereof, which are at the time of the offence in his possession or under his control 5 at the said place.

Where a constable or officer of the local authority specially authorised by written authority other than a warrant of a justice of the peace, enters and searches as above provided, a special report in writing of every act done by such constable or officer in pursu- 10 ance of that authority, and of the grounds on which it is done, shall be forthwith sent by the person by whom or under whose authority it was done to the Secretary of State.

Seizure and
detention of
explosives
liable to
forfeiture.

73. Where any of the following officers, namely, any Government inspector, or any constable, or any officer of the local authority, 15 has reasonable cause to believe that any explosive or ingredient of an explosive or substance found by him is liable to be forfeited under this Act, he may seize and detain the same until some court of summary jurisdiction has determined whether the same is or is not so liable to be forfeited, and with respect thereto the following 20 provisions shall have effect:

- (1.) The officer seizing may either require the occupier of the place in which it was seized (whether a building or not, or a carriage, boat, or ship) to detain the same in such place or in any place under the control of such occupier, 25 or may remove it in such manner and to such place as will in his opinion least endanger the public safety, and there detain it, and may, where the matter appears to him to be urgent and fraught with serious public danger, cause the same to be destroyed or otherwise rendered harmless; 30 and any such occupier who, by himself or by others, fails to keep the same when he is required in pursuance of this section to detain it, and any such occupier or other person who, except with the authority of the officer seizing the same, or of a Government inspector, or 35 in case of emergency for the purpose of preventing explosion or fire, removes, alters, or in any way tampers or deals with the same while so detained, shall be liable to a penalty not exceeding *fifty pounds*, and shall also be liable to forfeit all explosives, and ingredients 40 thereof, which are at the time of the offence in his possession or under his control at the said place:

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(2.) The proceedings before a court of summary jurisdiction for determining whether the same is or is not liable to forfeiture shall be commenced as soon as practicable after the seizure; and

5 (3.) The receptacles containing the same may be seized, detained, and removed in like manner as the contents thereof; and

10 (4.) The officer seizing the same may use for the purposes of the removal and detention thereof any ship, boat, or carriage in which the same was seized, and any tug, tender, engine, tackle, beasts, and accoutrements belonging to or drawing or provided for drawing such ship, boat, or carriage, and shall pay to the owner a reasonable compensation for such use, to be determined, in case of dispute, by a court of summary jurisdiction, and to be recovered in like manner as penalties under this Act; and

15 (5.) The same shall, so far as practicable, be kept and conveyed in accordance with this Act, and with all due precaution to prevent accident, but the person seizing, removing, detaining, keeping, or conveying the same shall not be liable to any penalty, punishment, or forfeiture under this or any other Act, or to any damages, for keeping or conveying the same, so that he use all such due precautions as aforesaid; and

20 (6.) The officer seizing the same, or dealing with the same in pursuance of this section, shall not be liable to damages or otherwise in respect of such seizure or dealing, or any act incidental to or consequential thereon, unless it is proved that he made such seizure without reasonable cause, or that he caused damage to the article seized by some wilful neglect or default.

25 74. Any of the following officers, namely, any Government inspector under this Act, any chief officer of police, and any superior officer appointed for the purposes of this Act where the justices in petty sessions are the local authority, by the court of quarter sessions to which such justices belong, and in the case of any other local authority by the local authority itself, may, for the purpose of ascertaining whether the provisions of this Act with respect to the conveyance, loading, unloading, and importation of an explosive are complied with, enter, inspect, and examine at any time, and as

35 40 well on Sundays as on other days, the wharf, carriage, ship, or boat of any carrier or other person who conveys goods for hire, or of the occupier of any factory, magazine, or store, or of the importer of any explosive, on or in which wharf, carriage, ship,

Inspection
of wharf,
carriage,
boat, &c.
with ex-
plosives in
transitu.

A.D. 1875. or boat he has reasonable cause to suppose an explosive to be for the purpose of or in course of conveyance, but so as not to unnecessarily obstruct the work or business of any such carrier, person, occupier, or holder.

Any such officer, if he find any offence being committed under this Act in any such wharf, carriage, ship, or boat, or on any public wharf, may detain or remove the said carriage, ship, or boat, or the explosive, in such manner and with such precautions as appear to him to be necessary to remove any danger to the public, and may seize and detain the said explosive, as if it were liable to forfeiture.

Any officer above mentioned in this section, and any officer of police, or officer of the local authority who has reasonable cause to suppose that any offence against this Act is being committed in respect of any carriage (not being on a railway), or any boat conveying, loading, or unloading any explosive, and that the case is one of emergency, and that the delay in obtaining a warrant will be likely to endanger life, may stop, and enter, inspect, and examine such carriage or boat, and by detention or removal thereof or otherwise take such precautions as may be reasonably necessary for removing such danger.

Every officer shall for the purpose of this section have the same powers and be in the same position as if he were authorised by a search warrant granted under this Act, and any person failing to admit or obstructing such officer shall be liable to the same penalty.

Payment for
samples of
explosives.

75. When a Government inspector, constable, or officer of the local authority in pursuance of this Act takes samples of any explosive, or ingredient, or substance he shall pay for or tender payment for the same to such amount as he considers to be the market value thereof, and the occupier of the place in which, or the owner of the bulk from which the sample was taken, may recover any excess of the real value over the amount so paid or tendered, and any amount so tendered, from the inspector, constable, or officer taking the same as a debt in the county court of the district within which the sample was taken.

PART IV.

A.D. 1875.

SUPPLEMENTAL PROVISIONS, LEGAL PROCEEDINGS, EXEMPTIONS,
AND DEFINITIONS.*Supplemental Provisions.*

- 5 **76.** Any person who enters without permission or otherwise trespasses upon any factory, magazine, or store, or the land adjoining thereto which is occupied by the occupier of such factory, magazine, or store, or on any wharf for which byelaws are made by the occupier thereof under this Act, shall for every such offence, if
 10 not otherwise punishable, be liable to a penalty not exceeding *five pounds*, and may be forthwith removed from such factory, magazine, store, land, or wharf, by any constable, or by the occupier of such factory, magazine, store, or wharf, or any agent or servant of or other person authorised by such occupier.
- 15 Any person other than the occupier of, or person employed in or about any factory, magazine, or store who is found committing any act which tends to cause explosion or fire in or about such factory, magazine, or store, shall be liable to a penalty not exceeding *fifty pounds*.
- 20 The occupier of any such factory, magazine, store, or wharf shall post up in some conspicuous place or places a notice or notices warning all persons of their liability to penalties under this section; but the absence of any such notice or notices shall not exempt a person from a penalty under this section.
- 25 **77.** Any person who is found committing any act for which he is liable to a penalty under this Act, and which tends to cause explosion or fire in or about any factory, magazine, store, railway, canal, harbour, or wharf, or any carriage, ship, or boat, may be apprehended without a warrant by a constable, or an officer of the
 30 local authority, or by the occupier of or the agent or servant of or other person authorised by the occupier of such factory, magazine, store, or wharf, or by any agent or servant of or other person authorised by the railway or canal company or harbour authority, and be removed from the place at which he is arrested, and conveyed as
 35 soon as conveniently may be before a court of summary jurisdiction.
- 78.** Where any person is guilty of any offence which under this Act is punishable by a pecuniary penalty only, and which, in the opinion of the court that tries the case, was reasonably calculated to endanger the safety of or to cause serious personal

Penalty on
and removal
of trespass-
ers.

Arrest with-
out warrant
of persons
committing
dangerous
offences.
See 23 & 24
Vict. c. 139.
s. 16.

Imprison-
ment for wil-
ful act or
neglect en-
dangering
life or limb

A.D. 1875. injury to any of the public or the persons employed in or about any factory, magazine, store, or registered premises, or any harbour, railway, canal, wharf, ship, boat, carriage, or place where such offence is committed, or to cause a dangerous accident, and was committed wilfully by the personal act, personal default, or 5 personal negligence of the person accused, such person shall be liable, if the court is of opinion that a pecuniary penalty will not meet the circumstances of the case, to imprisonment, with or without hard labour, for a period not exceeding *six months*.

Penalty for throwing fireworks in thoroughfare. 23 & 24 Vict. c. 139. s. 9.

Forgery and falsification of documents.

79. If any person throw, cast, or fire any fireworks in or into 10 any highway, street, thoroughfare, or public place, he shall be liable to a penalty not exceeding *five pounds*.

80. Every person who forges or counterfeits any license, certificate, document, or plan granted or required in pursuance or for the purposes of this Act, or gives or signs any such document or plan 15 which is to his knowledge false in any material particular, or wilfully makes use of any such forged, counterfeit, or false license, certificate, document, or plan, shall be liable to imprisonment, with or without hard labour, for a term not exceeding *two years*.

Punishment for defacing notices. See 35 & 36 Vict. c. 76. s. 58.

81. Every person who, without due authority, pulls down, injures, 20 or defaces any notice, copy of rules, or document, when affixed in pursuance of this Act, or of the special rules, shall be liable to a penalty not exceeding *two pounds*.

Provisions as to Orders in Council and Orders of Secretary of State.

82. Her Majesty may from time to time make Orders in Council for doing anything which is in this Act expressed to be 25 authorised, directed, regulated, prescribed, or done by Order in Council.

Every Order in Council or order of the Secretary of State which purports to be made in pursuance of this Act shall, after the expiration of six months from the date thereof, be presumed to have been 30 duly made and to be within the powers of this Act, and no objection to the legality thereof shall be entertained in any legal proceeding whatever commenced after the expiration of such six months.

Every Order in Council made in pursuance of this Act shall take effect as if it were enacted in this Act, and shall be published 35 in the London Gazette, and shall be laid before both Houses of Parliament within one month after it is made, if Parliament be then sitting, or if not, within one month after the commencement of the then next session of Parliament.

Her Majesty may by Order in Council, and a Secretary of State 40 may by order, from time to time revoke, add to, or alter any pre-

vious Orders in Council or orders of the Secretary of State, as the case may be, under this Act. A.D. 1875.

83. All byelaws, notices, and documents directed by this Act to be published or advertised shall, save as otherwise provided by this Act, be published in the place which such notices and documents affect, by advertisement in some newspapers circulating generally in such place, or by placards, or handbills, or in such manner as the Secretary of State may from time to time direct as being in his opinion sufficient for giving information thereof to all persons interested.

Publication of byelaws, notices, &c.

84. All orders, notices, and documents issued or given by the Secretary of State for the purposes of this Act, and all notices under this Act, shall be in writing or print, or partly in writing and partly in print, and all notices and documents required by this Act to be served, given, or sent by, on, or to a Government inspector or Secretary of State may be sent by post, by a prepaid letter, and if sent by post shall be deemed to have been served, given, and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post; and in proving such service, giving or sending it shall be sufficient to prove that the letter containing the notice was properly addressed and prepaid and put into the post.

Requisitions, notices, &c. to be in writing, and how to be served.

All notices and documents directed by or required for the purposes of this Act to be given or sent to the Secretary of State shall, if sent to a Government inspector under this Act, be deemed to have been sent to the Secretary of State.

All notices and documents directed by or required for the purposes of this Act to be given or sent to a local authority may be sent, by post or otherwise, to the clerk or office of the local authority, or delivered to some person employed by them for the purposes of this Act.

85. Where any enactment refers to any power of searching for gunpowder, or to any provisions of an Act of the twelfth year of King George the Third, chapter sixty-one, or of any Act repealed by this Act relative to the search for gunpowder, such enactment shall be deemed to refer to the provisions of this Act with respect to the search for and seizure, detention, and removal of an explosive by a Government inspector.

Construction of enactments referring to powers of searching for gunpowder. 23 & 24 Vict. c. 139. s. 36.

Legal Proceedings.

86. Where any offence under this Act for which the occupier of any factory, magazine, store, or registered premises is liable to

Exemption of occupier from penalty

A.D. 1875.

upon proof
of another
being real
offender.
See Factory
Act, 7 & 8
Vict. c. 15.
s. 41.

a penalty has in fact been committed by some other person, such other person shall be liable to a penalty not exceeding *twenty pounds*.

Where such occupier is charged with an offence so committed by some other person, the occupier shall be exempt from any penalty 5 and forfeiture upon proving that he had supplied proper means and issued proper orders for the observance and used due diligence to enforce the observance of this Act, and that the offence in question was actually committed by some other person without his connivance, and if the actual offender be alive, that he has taken all practicable 10 means in his power to prosecute such offender to conviction.

Where a Government inspector, or an officer of the local authority, or the local authority, is satisfied, before instituting a proceeding for any offence under this Act against an occupier, that such occupier, if such proceeding were instituted against him, would 15 under the foregoing provisions of this section be exempt from any penalty and forfeiture, and the occupier gives all facilities in his power for proceeding against and convicting the person whom the inspector, officer, or local authority believes actually to have committed the offence, the inspector, officer, or local authority shall 20 proceed against that person in the first instance, without first proceeding against the occupier.

The occupier or other defendant, when charged in respect of any offence by another person, may, if he think fit, be sworn and examined as an ordinary witness in the case. 25

This section shall apply to any warehouseman, carrier, occupier of a wharf, and owner or master of any ship, boat, or carriage in like manner as if he were such an occupier as aforesaid.

Exemption
of carrier
and owner
and master
of ship
where consignee, &c. in
fault.

87. Where a carrier or owner or master of a ship or boat is prevented from complying with this Act by the wilful act, neglect, 30 or default of the consignor or consignee of the explosive, or other person, or by the improper refusal of the consignee or other person to accept delivery of the explosive, such consignor, consignee, or other person who is guilty of such wilful act, neglect, default, or refusal shall be liable to the same penalty to which the carrier, 35 owner, or master is liable for a breach of this Act, and his conviction shall exempt the carrier, owner, or master from any penalty or forfeiture under this Act.

Supple-
mental pro-
visions as to
forfeiture of
explosive.

88. Where a court before whom a person is convicted of an offence against this Act has power to forfeit any explosive owned by 40 or found in the possession or under the control of such person, the

court may, if it think it just and expedient, in lieu of forfeiting such explosive, impose upon such person, in addition to any other penalty or punishment, a penalty not exceeding such sum as appears to the court to be the value of the explosive so liable to be
5 forfeited.

Where any explosive, or ingredient of an explosive, is alleged to be liable under this Act to be forfeited, any indictment, information, or complaint may be laid against the owner of such explosive or ingredient, for the purpose only of enforcing such forfeiture, and
10 where the owner is unknown, or cannot be found, a court may cause a notice to be advertised, stating that unless cause is shown to the contrary, at the time and place named in the notice, such explosive will be forfeited, and at such time and place the court after hearing the owner or any person on his behalf (who may be present) may
15 order all or any part of such explosive or ingredient to be forfeited.

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See
36 & 37 Vict.
c. 85. s. 27.

89. For all the purposes of this Act—

- (1.) Any harbour, tidal water, or inland water which runs between or abuts on or forms the boundary of the jurisdiction of two or more courts of summary jurisdiction
20 shall be deemed to be wholly within the jurisdiction of each of such courts; and
- (2.) Any tidal water not included in the foregoing descriptions, and within the territorial jurisdiction of Her Majesty, and adjacent to or surrounding any part of the shore of the
25 United Kingdom, and any pier, jetty, mole, or work extending into the same, shall be deemed to form part of the shore to which such water or part of the sea is adjacent, or which it surrounds.

Jurisdiction
in tidal
waters or on
boundaries.

Legal Proceedings.

30 90. Every offence under this Act may be prosecuted and every penalty under this Act may be recovered, and all explosives and ingredients liable to be forfeited under this Act may be forfeited either on indictment or before a court of summary jurisdiction, in
manner directed by the Summary Jurisdiction Acts.

Prosecution
of offences
either sum-
marily or on
indictment.

35 Provided that the penalty imposed by a court of summary jurisdiction shall not exceed *one hundred pounds* exclusive of costs, and exclusive of any forfeiture, and the term of imprisonment imposed by any such court shall not exceed *one month*.

40 All costs and money directed to be recovered as penalties may be recovered before a court of summary jurisdiction in manner directed by the Summary Jurisdiction Acts.

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 upon proof
 of another
 being real
 offender.
 See Factory
 Act, 7 & 8
 Vict. c. 15.
 s. 41.

a penalty has in fact been committed by some other person, such other person shall be liable to a penalty not exceeding *twenty pounds*.

Where such occupier is charged with an offence so committed by some other person, the occupier shall be exempt from any penalty 5 and forfeiture upon proving that he had supplied proper means and issued proper orders for the observance and used due diligence to enforce the observance of this Act, and that the offence in question was actually committed by some other person without his connivance, and if the actual offender be alive, that he has taken all practicable 10 means in his power to prosecute such offender to conviction.

Where a Government inspector, or an officer of the local authority, or the local authority, is satisfied, before instituting a proceeding for any offence under this Act against an occupier, that such occupier, if such proceeding were instituted against him, would 15 under the foregoing provisions of this section be exempt from any penalty and forfeiture, and the occupier gives all facilities in his power for proceeding against and convicting the person whom the inspector, officer, or local authority believes actually to have committed the offence, the inspector, officer, or local authority shall 20 proceed against that person in the first instance, without first proceeding against the occupier.

The occupier or other defendant, when charged in respect of any offence by another person, may, if he think fit, be sworn and examined as an ordinary witness in the case. 25

This section shall apply to any warehouseman, carrier, occupier of a wharf, and owner or master of any ship, boat, or carriage in like manner as if he were such an occupier as aforesaid.

Exemption
 of carrier
 and owner
 and master
 of ship
 where consignee, &c. in
 fault.

87. Where a carrier or owner or master of a ship or boat is prevented from complying with this Act by the wilful act, neglect, 30 or default, of the consignor or consignee of the explosive, or other person, or by the improper refusal of the consignee or other person to accept delivery of the explosive, such consignor, consignee, or other person who is guilty of such wilful act, neglect, default, or refusal shall be liable to the same penalty to which the carrier, 35 owner, or master is liable for a breach of this Act, and his conviction shall exempt the carrier, owner, or master from any penalty or forfeiture under this Act.

Supple-
 mental pro-
 visions as to
 forfeiture of
 explosive.

88. Where a court before whom a person is convicted of an offence against this Act has power to forfeit any explosive owned by 40 or found in the possession or under the control of such person, the

court may, if it think it just and expedient, in lieu of forfeiting such explosive, impose upon such person, in addition to any other penalty or punishment, a penalty not exceeding such sum as appears to the court to be the value of the explosive so liable to be
5 forfeited.

Where any explosive, or ingredient of an explosive, is alleged to be liable under this Act to be forfeited, any indictment, information, or complaint may be laid against the owner of such explosive or ingredient, for the purpose only of enforcing such forfeiture, and
10 where the owner is unknown, or cannot be found, a court may cause a notice to be advertised, stating that unless cause is shown to the contrary, at the time and place named in the notice, such explosive will be forfeited, and at such time and place the court after hearing the owner or any person on his behalf (who may be present) may
15 order all or any part of such explosive or ingredient to be forfeited.

89. For all the purposes of this Act—

- (1.) Any harbour, tidal water, or inland water which runs
between or abuts on or forms the boundary of the juris-
diction of two or more courts of summary jurisdiction
20 shall be deemed to be wholly within the jurisdiction of each of such courts; and
- (2.) Any tidal water not included in the foregoing descriptions, and within the territorial jurisdiction of Her Majesty, and adjacent to or surrounding any part of the shore of the
25 United Kingdom, and any pier, jetty, mole, or work extending into the same, shall be deemed to form part of the shore to which such water or part of the sea is adjacent, or which it surrounds.

Legal Proceedings.

30 90. Every offence under this Act may be prosecuted and every penalty under this Act may be recovered, and all explosives and ingredients liable to be forfeited under this Act may be forfeited either on indictment or before a court of summary jurisdiction, in
manner directed by the Summary Jurisdiction Acts.

35 Provided that the penalty imposed by a court of summary jurisdiction shall not exceed *one hundred pounds* exclusive of costs, and exclusive of any forfeiture, and the term of imprisonment imposed by any such court shall not exceed *one month*.

40 All costs and money directed to be recovered as penalties may be recovered before a court of summary jurisdiction in manner directed by the Summary Jurisdiction Acts.

A.D. 1875.

A court of summary jurisdiction may by order prohibit a person from doing any act for doing which such person has twice been convicted under this Act, and may order any person disobeying such summary order to be imprisoned for any period not exceeding *six months*.

5

Power of offender in certain cases to elect to be tried on indictment, and not by summary jurisdiction.

91. Where a person is accused before a court of summary jurisdiction of any offence under this Act, the penalty for which offence as assigned by this Act exclusive of forfeiture exceeds one hundred pounds, the accused may, on appearing before the court of summary jurisdiction, declare that he objects to being tried for such offence by a court of summary jurisdiction, and thereupon the court of summary jurisdiction may deal with the case in all respects as if the accused were charged with an indictable offence and not an offence punishable on summary conviction, and the offence may be prosecuted on indictment accordingly.

15

Appeal to quarter sessions.

92. If any party feels aggrieved by any summary order made by a court of summary jurisdiction under this Act, or by any order or conviction made by a court of summary jurisdiction in determining any complaint or information under this Act, by which order or conviction the sum adjudged to be paid, including costs, and including the value of any forfeiture, exceeds twenty pounds, the party so aggrieved may appeal therefrom to quarter sessions, in manner provided with respect to an appeal to quarter sessions by section one hundred and ten of the Act of the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter ninety-six.

24 & 25 Vict. c. 96.

Constitution of court, and distress of ship.

93. The court of summary jurisdiction, when hearing and determining an information or complaint, in respect of any offence under this Act, shall be constituted either of two or more justices of the peace in petty sessions sitting at a place appointed for holding petty sessions, or of some magistrate or officer sitting alone or with others at some court or other place appointed for the administration of justice, and for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace.

25

Where the owner or master of a ship or boat is adjudged to pay a penalty for an offence committed with or in relation to such ship or boat, the court may, in addition to any other power they may have for the purpose of compelling payment of such penalty, direct the same to be levied by distress or arrestment and sale of the said ship or boat and her tackle.

40

94. All penalties imposed in pursuance of this Act by a court of summary jurisdiction upon the prosecution of a Government inspector shall, notwithstanding anything in any other Act, be paid into the receipt of Her Majesty's Exchequer, in such manner as the Treasury may from time to time direct, and be carried to the Consolidated Fund.

A.D. 1875.

Application
of penalties
and disposal
of forfeitures.
35 & 36 Vict.
c. 76. s. 68.

Any explosive or ingredient forfeited in pursuance of this Act may be sold, destroyed, or otherwise disposed of in such manner as the court declaring the forfeiture, or the Secretary of State, may direct, and the proceeds of any such sale or disposal shall be paid, applied, and accounted for in like manner as penalties under this Act.

Any receptacle containing any explosive or ingredient may be forfeited, sold, destroyed, or otherwise disposed of, in like manner as the contents thereof.

The provisions of Part Three of this Act with respect to an explosive, or ingredient of an explosive, seized in pursuance of this Act, and to the officer seizing, removing, keeping, or conveying the same, shall apply to any explosive and ingredient declared by any court to be forfeited, and to the officer removing, keeping, conveying, destroying, or otherwise disposing of the same.

The court declaring the forfeiture, or the Secretary of State directing the sale or other disposal of any forfeited explosive or ingredient, and the receptacles thereof, may require the owner of such explosive or ingredient to permit the use of any ship, boat, or carriage containing such explosive or ingredient for the purpose of such sale or disposal, upon payment of a reasonable compensation for the same, to be determined in case of dispute by a court of summary jurisdiction, and where the explosive or ingredient is directed to be destroyed, may require the owner thereof to destroy the same; and in default of the owner complying with any such requisition, if the court or Secretary of State is of opinion that it is impracticable or inexpedient, having regard to the safety of the public or of the persons employed in such sale, destruction, or disposal, to effect the same without using, selling, destroying, or disposing of such ship, boat, or carriage, the court or Secretary of State may direct such ship, boat, and carriage, or any of them, to be, and the same may accordingly be, used, sold, destroyed, and disposed of in like manner as if the same were forfeited under this Act.

Exemptions and Savings.

95. This Act shall not apply—

(1.) To any factory, magazine, store, premises, wharf, place, or explosive under the control of a Secretary of State, the

Exemption
of Govern-
ment fac-
tories, &c.
from the Act.

A.D. 1875.

Commissioners of the Admiralty, or other department of the Government, or otherwise held for the service of the Crown, or to the manufacture, keeping, conveyance, or importation of such explosive; or

- (2.) To any of Her Majesty's ships, boats, or carriages; or 5
- (3.) To the keeping or conveying, or making up, or adapting for use of any explosive issued by, or by the authority of a Secretary of State for the use of any volunteer corps or administrative regiment, or by, or by the authority of the Commissioners of the Admiralty for the use of any force 10 under the control of those commissioners, so far as such explosive is kept, conveyed, made up, and adapted for use in accordance with the regulations of the Secretary of State or the said commissioners, as the case may be; or
- (4.) To any storehouse appointed for receiving any such explosive 15 as last above mentioned in pursuance of section twenty-six of the Volunteer Act, 1863, and any Act amending the same, or otherwise, if such storehouse is approved by the Secretary of State or the Commissioners of the Admiralty, as the case may be, as a fit place for the storing of such 20 explosive, and is managed in accordance with the regulations of a Secretary of State or such commissioners for the management of such storehouses, or for the management of the like storehouses appointed for the use of Her Majesty's army or navy. 25

26 & 27 Vict.
c. 65.Saving for
rocket and
fog stations.**96.** This Act shall not apply—

- (1.) To the keeping of any rockets for use in any apparatus for saving life, kept under the control of the Commissioners of the Admiralty or the Board of Trade; or
- (2.) To the keeping of any explosive kept for the purpose of 30 signalling at or near a station on the sea coast, under the control of any general lighthouse authority, as defined by the Merchant Shipping Act, 1854.

17 & 18 Vict.
c. 104. s. 389.Exemption of
magazines in
the Mersey
under
14 & 15 Vict.
c. 67.

97. Nothing in this Act with respect to the keeping of gunpowder shall apply to any vessel for the storage of gunpowder 35 moored in the river Mersey at a place appointed either before or after the passing of this Act, in pursuance of the Act of the session of the fourteenth and fifteenth years of the reign of Her present Majesty, chapter sixty-seven, intituled "An Act to repeal so much 40 of an Act of the twelfth year of King George the Third relating to the making, keeping, and carriage of gunpowder, as exempts therefrom certain gunpowder magazines and stores near Liver-

“ pool, and to make certain temporary provisions with regard to
 “ the said magazines and stores;” nor shall anything in this
 Act affect the powers of the Commissioners of the Admiralty, or
 a Secretary of State, or the Commissioners for the Conservancy of
 5 the River Mersey under the said Act :

Provided that any such vessel shall not store any explosive other
 than gunpowder, except in pursuance of a license under this Act.

98. Nothing in this Act shall render liable to any penalty or
 forfeiture the owner or master of any ship or boat, or any carrier or
 10 warehouseman, or the person having charge of any carriage, for
 any act done in breach of this Act, if he prove that by reason
 of stress of weather, inevitable accident, or other emergency, the
 doing of such act was, under the circumstances, necessary and
 proper.

15 99. Where any gunpowder, rockets, or other explosive are
 on board any ship in pursuance of the provisions of the Merchant
 Shipping Act, 1854, and the Acts amending the same, or any order
 or regulation made under any of those Acts, nothing in this Act
 shall apply to such gunpowder, rockets, or explosive, except
 20 that the conveyance and keeping thereof on board the ship, or
 elsewhere while the ship is in harbour shall be subject to the
 byelaws under this Act, and byelaws under this Act may be made
 for regulating such conveyance and keeping.

100. This Act shall not, save as is herein expressly provided,
 25 exempt any person from any action or suit in respect of any nui-
 sance, tort, or otherwise, which might, but for the provisions of this
 Act, have been brought against him.

This Act shall not exempt any person from any indictment or
 other proceeding for a nuisance, or for an offence which is indict-
 30 able at common law, or by any Act of Parliament other than this
 Act, so that no person be punished twice for the same offence.

When proceedings are taken before any court against any person
 in respect of any offence under this Act, which is also an offence in-
 dictable at common law or by some Act of Parliament other than
 35 this Act, the court may direct that, instead of such proceedings
 being continued, proceedings shall be taken for indicting such
 person at common law or under some Act of Parliament other than
 this Act.

A continuing certificate granted under this Act shall not make
 40 lawful any factory, magazine, or store, or any part thereof, which
 immediately before the passing of this Act was unlawful.

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Powers of
Act cumu-
lative, with
power to
make pro-
visional
order for
repealing
local Acts.

101. All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred on any local authority by Act of Parliament, but the Secretary of State may, on the application of any local authority, or of any council of a borough, or any urban sanitary authority, or on the application of any persons making, keeping, importing, exporting, or selling any explosive within the jurisdiction of any local authority, council, or urban sanitary authority, after notice to such authority, make an order for repealing, altering, or amending all or any of the provisions of any Act of Parliament, charter, or custom respecting the manufacture, keeping, importation, exportation, or sale of an explosive, or the powers of such council or authority for regulating the same, or otherwise in relation to an explosive.

Notice of the draft of every such order shall be advertised not less than one month before the order is made, and the Secretary of State shall consider all objections to such draft order sent to him in writing during the said month, and shall, if it seem to him necessary, direct a local inquiry into the validity of any such objections.

Any such order shall be of no force unless confirmed by Parliament, but when so confirmed shall have effect, with such modifications or alterations as may be therein made by Parliament.

If while a Bill confirming any such order is pending in either House of Parliament, a petition is presented against such order, the Bill, so far as it relates to such order, may be referred to a Select Committee, and the petitioner shall be allowed to appear and oppose the same as in the case of a Bill for a private Act.

An order under this section may also be made for revoking or altering an order under this section previously made and confirmed by Parliament.

Definitions.

Extension of
definition of
explosive
to other
explosive
substances.

102. Her Majesty may, by Order in Council, declare that any substance which appears to Her Majesty to be specially dangerous to life or property by reason either of its explosive properties, or of any process in the manufacture thereof being liable to explosion, shall be deemed to be an explosive within the meaning of this Act, and the provisions of this Act (subject to such exceptions, limitations, and restrictions as may be specified in the order) shall accordingly extend to such substance in like manner as if it were included in the term explosive in this Act.

Persons carrying on
certain pro-

103. Any person who carries on any of the following processes, namely, the process of dividing into its component parts or other-

wise breaking up or unmaking any explosive, or making fit for use any damaged explosive, or the process of remaking, altering, or repairing any explosive, shall be subject to the provisions of this Act as if he manufactured an explosive, and the term “manu-
 5 facture” shall in this Act be construed accordingly.

A.D. 1875.
 cesses to be
 deemed
 manufac-
 turers.

104. It shall be lawful for Her Majesty from time to time, by Order in Council, to define, for the purposes of this Act, the composition, quality, and character of any explosive, and to classify explosives.

Definition
 and classi-
 fication of
 explosives
 by Order in
 Council.

10 Where the composition, quality, or character of any explosive has been defined by an Order in Council any article alleged to be such explosive which differs from such definition in composition, quality, or character, whether by reason of deterioration or other-
 15 wise, shall not be deemed, for the purposes of this Act, to be the explosive so defined.

105. In this Act—

The expression “chief officer of police” means—

Definition of
 “chief officer
 of police.”

- (1.) In the city of London and the liberties thereof, the commissioner of city police; and,
- 20 (2.) In the metropolitan police district, the commissioner or any assistant commissioner or any district superintendent of metropolitan police; and,
- (3.) Elsewhere the chief constable, or head constable, or other officer, by whatever name called, having the chief com-
 25 mand of the police in the police district in reference to which such expression occurs:

The expression “police district” means—

- (1.) The city of London and the liberties thereof; and
- (2.) The metropolitan police district; and,
- 30 (3.) Any county, or liberty of a county, borough, town, place, or union, or combination of places maintaining a separate police force; and all the police under one chief constable shall be deemed to constitute one force for the purposes of this section.

35 106. In this Act—

The expression “this Act” includes any license, certificate, byelaw, regulation, rule, and order granted or made in pur-
 suance of this Act:

General
 definitions.

The expression “person” includes a body corporate:

40 The expression “occupier” includes any number of persons and a body corporate; and in the case of any manufacture or trade, includes any person carrying on such manufacture or trade:

[76.]

H 2

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The expression "master" includes every person (except a pilot) having command or charge of a ship, and in reference to any boat belonging to a ship, means the master of the ship; and when used in reference to any other boat, includes every person having command or charge of such boat: 5

The expression "magazine" includes any ship or other vessel used for the purpose of keeping any explosive:

The expression "Secretary of State" means one of Her Majesty's Principal Secretaries of State:

The expression "warehouseman" includes all persons owning or managing any warehouse, store, wharf, or other premises in which goods are deposited: 10

The expression "carrier" includes all persons carrying goods or passengers for hire by land or water:

The expression "harbour authority" means any person or body of persons corporate or unincorporate, being or claiming to be proprietor or proprietors of or intrusted with the duty or invested with the power of improving, managing, maintaining, or regulating any harbour properly so called, whether natural or artificial, and any port, haven, and estuary; or intrusted with the duty of conserving, maintaining, or improving the navigation of any tidal water, and any such harbour, port, haven, estuary, tidal water, and any wharf, pier, jetty, and work, and other area, whether land or water, over which the harbour authority as above defined have control or exercise powers, are in the other portions of this Act included in the term "harbour": 15 20 25

The expression "canal company" means any person or body of persons corporate or unincorporate, being owner or lessee or owners or lessees of, or working, or entitled to charge tolls for the use of any canal in the United Kingdom, constructed or carried on under the powers of any Act of Parliament; or intrusted with the duty of conserving, maintaining, or improving the navigation of any inland water, and every such canal and inland water under the control of a canal company as above defined, and any wharf, pier, jetty, and work in or at which barges do or can ship or unship goods or passengers, and other area, whether land or water, which belong to or are under the control of such canal company, are in the other portions of this Act included in the term "canal": 30 35 40

The expression "tidal water" means any part of the sea or of a river within the ebb and flow of the tides at ordinary spring tides:

The expression "inland water" means any canal, river, navigation, lake, or water which is not tidal water : A.D. 1875.

The expression "railway company," means any person or body of persons corporate or unincorporate, being the owner or lessee or owners or lessees of or working any railway worked by steam or otherwise than by animal power in the United Kingdom, constructed or carried on under the powers of any Act of Parliament and used for public traffic, and every building, station, wharf, dock, and place which belong to or are under the control of a railway company, are in the other portions of this Act included in the expression "railway" :

The expression "wharf" includes any quay, landing place, siding, or other place at which goods are landed, loaded, or unloaded :

The expression "carriage" includes any carriage, waggon, cart, truck, vehicle, or other means of conveying goods or passengers by land, in whatever manner the same may be propelled :

The expression "ship" includes every description of vessel used in sea navigation, whether propelled by oars or otherwise :

The expression "boat" means every vessel not a ship as above defined which is used in navigation in any inland water or any harbour, whether propelled by oars or otherwise :

The expression "prescribed" means prescribed by Order in Council :

The expression "borough" means any place for the time being subject to the Act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled "An Act to provide for the regulation of municipal corporations in England and Wales," and the Acts amending the same :

The expression "county" does not include a county of a city or a county of a town :

Every riding, division, liberty, or parts of a county having a separate commission of the peace and separate court of quarter sessions is for the purposes of this Act to be deemed to be a county :

The expression "improvement district" means an improvement district which is an urban sanitary district, and the expression "improvement commissioners" means the commissioners who are the urban sanitary authority for such district :

The expressions "urban sanitary district," and "urban sanitary authority" mean the districts and authorities declared to be urban sanitary districts and authorities by the Public Health Act, 1872 :

The expression "safety cartridges" means cartridges for small

A.D. 1875. — arms of which the case can be extracted from the small arm after firing, and which are so closed as to prevent any explosion in one cartridge being communicated to another cartridge :

The expression "factory magazine" means a magazine in a factory for keeping the finished explosive made in the factory, or if such explosive is not gunpowder, the prescribed ingredients of such explosive :

The expression "Gunpowder Act, 1860," means the Act of the session of the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter one hundred and thirty-nine, intituled "An Act to amend the law concerning the making, keeping, and carriage of gunpowder and compositions of an explosive nature, and concerning the manufacture, sale, and use of fireworks," and the Acts amending the same :

The expression "Summary Jurisdiction Acts" means the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," and any Acts amending the same :

The expression "Court of Summary Jurisdiction" means any justice or justices of the peace, metropolitan police magistrate, stipendiary or other magistrate or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred to :

The expression "quarter sessions" includes general sessions.

Application of Act to Scotland.

Definitions.

107. This Act shall apply to Scotland, subject to the following provisions :

(1.) The expression "borough" means any royal burgh, and any burgh returning or contributing to return a member to Parliament :

(2.) The expression "a master of one of the superior courts" means the auditor of the Court of Session :

(3.) The expression "umpire" means oversman :

(4.) The expression "attending before a court of record" means attending on citation the Court of Justiciary :

(5.) The expression "stipendiary magistrate" means a sheriff or sheriff substitute :

(6.) The expression "defendant" means defender, and includes respondent :

(7.) The expression "chief officer of police" means the chief constable, superintendent of police, or other officer, by

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A.D. 1875.

whatever name called, having the chief command of the police in any district maintaining a separate police force :

(8.) The expression "chairman of quarter sessions" means the sheriff of the county :

5 (9.) The expression "misdemeanour" means a crime and offence :

(10.) The expression "the Court of Summary Jurisdiction" means the sheriff of the county or any one of his substitutes :

10 (11.) The Act shall be read and construed as if for the expression "The Lands Clauses Consolidation Act, 1845," wherever it occurs therein, the expression "The Lands Clauses Consolidation (Scotland) Act, 1845," were substituted :

(12.) In Scotland, the local authority for the purposes of this Act shall be as follows :

15 1. In any borough the magistrates and town council, and

2. In any harbour within the jurisdiction of a harbour authority, whether situate or not within the jurisdiction of any local authority for a borough, the harbour authority to the exclusion of any other local authority ; and

20 3. In any place other than a borough or harbour as aforesaid, the justices of the peace for the county in which such place is situated :

(13.) In Scotland, the local rate for defraying the expenses of the local authorities under this Act shall be—

25 (a.) In any borough the police rate or assessment ; and

(b.) In any harbour as aforesaid any moneys, fund, or rate applicable or leviable by the harbour authority for any harbour purpose ; and

30 (c.) In any place other than a borough or harbour as aforesaid the county general assessment.

The rates or assessments in this sub-section mentioned, or any increase of any such rate or assessment, may, notwithstanding any limitation in any Act, be levied for the purposes of this Act :

35 (14.) In Scotland, the following provisions shall have effect in regard to proceedings for the prosecution of offences, recovery of penalties and costs, and moneys recoverable as penalties, and the making of forfeitures or orders under this Act :

40 (a.) Every offence under this Act shall be prosecuted, every penalty recovered, and every forfeiture or order made at the instance of the Lord Advocate or of the procurator fiscal of the sheriff court :

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(b.) The proceedings may be on indictment in the Court of Justiciary in Edinburgh or on circuit, or in the sheriff court, or may be taken summarily in the sheriff court under the provisions of the Summary Procedure Act, 1864, as the Lord Advocate shall direct :

5

(c.) All costs and moneys directed to be recovered as penalties may be recovered in the sheriff court at the instance of the procurator fiscal of that court, under the provisions of the Summary Procedure Act, 1864 :

(d.) In Scotland, all penalties imposed in pursuance of this Act shall be paid to the clerk of the court imposing them, and shall by him be accounted for and paid to the Queen's and Lord Treasurer's Remembrancer, and be carried to the Consolidated Fund ; and the proceeds of any sales of explosives or of the ingredients of explosives, or of the receptacles of explosives or their ingredients, or of any ship, boat, or carriage, forfeited and directed to be sold, or directed to be sold and disposed of as if the same were forfeited under this Act, shall be paid, accounted for, and applied in like manner as penalties under this Act :

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(e.) In Scotland, every person found liable in any penalty or costs or to pay any money directed by this Act to be recovered as a penalty, shall be liable, in default of immediate payment, to imprisonment for a term not exceeding *six months*, or until such penalty, costs, or money shall be sooner paid.

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Application of Act to Ireland.

This Act shall apply to Ireland, with the following modifications ; that is to say,

Definition
of local
authority.

108. The local authority for the purposes of this Act shall be— 30

(1.) In the city of Dublin, the lord mayor, aldermen, and burgesses acting by the town council :

(2.) In any urban sanitary district in which the powers, jurisdictions, and authorities of the grand jury of the county in which such district is situate are vested and exercisable by the urban sanitary authority, except as hereafter in this section mentioned, the urban sanitary authority :

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(3.) In any harbour within the jurisdiction of a harbour authority, whether situate or not within the jurisdiction of any local authority before in this section mentioned, the harbour authority to the exclusion of any other local authority :

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(4.) In any place in which there is no local authority as before in this section defined, the justices in petty sessions assembled. A.D.1875.

The terms "urban sanitary authority" and "urban sanitary district" have the same meanings respectively as in the Public Health, Ireland, Act, 1874.

109. The urban sanitary authority of any district in Ireland which is not constituted a local authority by this Act may, by order of a Secretary of State made upon the application of such authority and published in the Dublin Gazette, be declared to be a local authority for the purposes of this Act, and thereupon shall become a local authority accordingly for such part of their district as is not included in any harbour to the exclusion of the justices in petty sessions. Power of certain local bodies to become a local authority.

110. All expenses incurred by any local authority in carrying into effect the execution of this Act in Ireland, including the salary and expenses of any officer directed by them to act under this Act, shall be paid out of the local rate. The local rate shall for the purposes of this Act mean as follows; that is to say, Expenses of local authority.

In the city of Dublin, the borough fund or borough rate;

20 In urban sanitary districts where the urban sanitary authority are the local authority, any fund, moneys, or rate applicable or leviable by such authority for any purposes of improvement within their district;

25 In harbours, any moneys, fund, or rate applicable or leviable by the harbour authority for any harbour purposes; and

In any place where the justices in petty sessions are the local authority, the grand jury cess:

30 And the local rate or any increase of the local rate may, notwithstanding any limitation in any Act, be levied for the purposes of this Act.

All expenses which are by this Act payable out of grand jury cess leviable in any county, county of a city or county of a town, shall, upon the written order of the local authority which shall have incurred the same, be paid to the person named in such order by the treasurer of such county, county of a city or county of a town, or by the person discharging the duties of such treasurer, and the grand jury of such county, county of a city or county of a town, shall at any assizes at which it is proved that any such expenses have been so paid, without previous application to presentment sessions, present to be raised off and paid by such county, county of a city or county of a town, all such moneys as shall be necessary to defray such expenses.

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Definitions.

111. In this Act with respect to Ireland—

The expression “police district” means—

- (1.) The police district of Dublin metropolis; and
- (2.) The town of Belfast; and
- (3.) Elsewhere in Ireland, any district, whether city, town, or 5
county, over which is appointed a sub-inspector of the
Royal Irish Constabulary.

The expression “chief officer of police” means—

- (1.) In the police district, of Dublin metropolis, the chief com-
missioner of police for the said district; and in his absence 10
the assistant commissioners of police for the said district;
and
- (2.) In the town of Belfast, the town inspector; and
- (3.) Elsewhere in Ireland, the sub-inspector of the Royal Irish
Constabulary. 15

The expression “the county court judge” means the judge of
the civil bill court.

The expression “borough” means any place for the time being
subject to the Act of the session of the third and fourth years of
the reign of Her present Majesty, chapter one hundred and eight, 20
intituled “An Act for the regulation of municipal corporations in
“Ireland.”

The expression “Summary Jurisdiction Acts” means, as regards
the police district of Dublin metropolis, the Acts regulating the
powers and duties of justices of the peace for such district, and 25
elsewhere in Ireland, the Act of the session of the fourteenth and
fifteenth years of the reign of Her present Majesty, chapter ninety-
three, intituled “An Act to consolidate and amend the Acts regu-
“lating the proceedings of petty sessions, and the duties of justices
“of the peace out of quarter sessions in Ireland,” and any Acts 30
amending the same.

The expression “court of summary jurisdiction” means any
justice or justices of the peace, or other magistrate or officer, by
whatever name called, to whom jurisdiction is given by the Summary
Jurisdiction Acts or any Acts therein referred to. 35

Application
of penalties
in Ireland.

112. Except as by this Act expressly provided, all penalties im-
posed under this Act in Ireland shall be applied in manner directed
by the Fines Ireland Act, 1851, and any Acts amending the same.

*Repeal of Acts.*Repeal of
Acts in
schedule.

113. The Acts specified in the fourth schedule to this Act are 40
hereby repealed, from and after the commencement of this Act.

A.D. 1875.

Provided that—

(1.) The enactments hereby repealed shall continue in force—

(a.) As regards any existing factory, magazine, or store, until the expiration of six months after the commencement of this Act, or any earlier date at which a license or continuing certificate under this Act is obtained for such factory, magazine, or store; and

(b.) For the purpose of any business or thing which any person is authorised to carry on or do in like manner as if this Act had not passed, for the time during which such business or thing is authorised to be carried on or done; and

(2.) Any rules made in pursuance of any enactment hereby repealed, for the purpose of regulating the conduct of servants and workmen employed in any mill, magazine, or place, shall continue in force, and the penalties under the said enactments for a breach of such rules may be enforced, until the expiration of three months after the grant of a continuing certificate under this Act to the occupier of such mill, magazine, or place, and such further period as the Secretary of State may by order direct, for the purpose of enabling such occupier to make special rules under this Act; and

(3.) This repeal shall not affect—

(a.) The past operation of any enactment hereby repealed, nor anything duly done or suffered under any enactment hereby repealed; or

(b.) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed; or

(c.) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; or

(d.) Any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid; and any such investigation, legal proceeding, and remedy may be carried on as if this Act had not passed; and

(4.) This repeal shall not revive any enactment, right, privilege, matter, or thing not in force or existing at the commencement of this Act.

A.D. 1875.

SCHEDULES.

FIRST SCHEDULE.

PART ONE.

Gunpowder Factories.

Regulations of the Gunpowder Act, 1860, (23 & 24 Vict. c. 139. 5 ss. 2, 5,) which are to form part of the terms of every continuing certificate of a factory for gunpowder.

(1.) The quantity of gunpowder or ingredients to be made into gunpowder to be at one time under any single pair of mill stones or rollers or runners shall not exceed fifty pounds as respects sporting 10 and Government powder, and sixty pounds as respects all inferior powders; and every incorporating mill or group of incorporating mills shall be provided with a charge house for the store of mill charges, properly constructed of stone or brick, and situate at a safe and suitable distance from each incorporating mill or group of 15 incorporating mills.

(2.) The quantity of gunpowder to be subjected to pressure at one time in any press house shall not exceed ten hundredweight.

(3.) The quantity of gunpowder to be corned or granulated at one time in any corning or granulating house shall not exceed 20 twelve hundredweight.

(4.) The quantity of gunpowder to be dried at one time in one stove or place used for the drying of gunpowder shall not exceed fifty hundredweight.

(5.) The respective quantities to be at any one time in any press 25 house or corning or granulating house shall not exceed twice the respective quantities hereby allowed to be subjected to pressure and to be corned or granulated at one time; and the quantity to be at any one time in any drying house or dusting house shall not be more than is necessary for the immediate supply and work of such 30 house; and for the purposes of this provision any building used with any such press house, corning or granulating house, drying house or dusting house, shall be deemed part thereof, save only magazines constructed with stone or brick and situate forty yards at least from every such press-house or other house as aforesaid 35 (herein-after distinguished as expense magazines), and save only the stove in which the powder which has been dried may be cooling.

(6.) Every person keeping or using any mill for the making of gunpowder shall have (in addition to the expense magazines) a good and sufficient factory magazine or magazines, situate (unless otherwise authorised by a certificate of the Secretary of State under the Gunpowder Act, 1860) at least one hundred and forty yards distant from the mill or mills and every press house and other house or place used for or in the making of gunpowder, such magazine or magazines to be well and substantially built with brick or stone, and situate in such place as may have been lawfully used or duly licensed by justices before the commencement of the Gunpowder Act, 1860, and not made unlawful by that Act, or may have been after the commencement of that Act duly licensed under the Gunpowder Act, 1860.

(7.) No maker of gunpowder shall keep or permit to be kept any charcoal within twenty yards of any mill or other engine for making gunpowder, or of any press house, or drying, corning, or dusting house or other place used in or for the making of gunpowder, or any magazine or storehouse thereto belonging.

PART TWO.

Gunpowder Stores.

Regulations of the Gunpowder Act, 1860 (23 & 24 Vict. c. 139. ss. 18, 19), which are to form part of the terms of every continuing certificate for a gunpowder store.

(1.) The store shall be exclusively for the use of a mine, quarry, colliery, or factory for safety fuzes.

(2.) The amount of gunpowder in the store shall not exceed, if the store is well and substantially built of brick or stone, four thousand pounds, and in any other case three hundred pounds:

(3.) Where the amount of gunpowder in the store exceeds three hundred pounds, such store shall, unless otherwise authorised before the passing of this Act by a certificate of the Secretary of State, be within two hundred yards of the mine, quarry, colliery, or factory for safety fuzes, or one of the mines, quarries, collieries, or factories for safety fuzes for the use of which such gunpowder is kept, and not within two hundred yards of any inhabited house without the consent in writing of the occupier of such house:

A.D. 1875.

- (4.) Where such certificate has been given the conditions on which it was given shall be duly observed as if they were contained in this schedule :
- (5.) Where the amount of gunpowder does not exceed three hundred pounds, the store shall be within two hundred 5 yards of the mine, quarry, colliery, or factory for the use of which it is erected, and unless it was erected and used for the said purpose before the passing of the Gunpowder Act, 1860, shall not be within two hundred yards from any inhabited house without the consent in writing of the 10 occupier of such house :
- (6.) The store shall not be within the city of London or Westminster or within three miles of either of them, or within any borough or market town or one mile of the same, or within two miles of any palace or house of residence of 15 Her Majesty, her heirs and successors, or within two miles of any gunpowder magazine belonging to the Crown, or within half a mile of any parish church.

SECOND SCHEDULE.

ARBITRATION.

20

Provisions
as to arbi-
trations.
35 & 36 Vict.
c. 76. s. 49.

With respect to arbitrations under this Act, the following provisions shall have effect :

- (1.) The parties to the arbitration are in this section deemed to be the occupier of the factory, magazine, or store on the one hand, and on the other the Government inspector (on 25 behalf of the Secretary of State) :
- (2.) Each of the parties to the arbitration may, within twenty-one days after the date of the reference, appoint an arbitrator :
- (3.) No person shall act as arbitrator or umpire under this Act 30 who is employed in or in the management of or is directly or indirectly interested in the manufacture, trade, factory, magazine, store, business, or premises to which the arbitration relates, or is in any manner interested directly or indirectly in the matter to which the arbitration relates : 35
- (4.) The appointment of an arbitrator under this section shall be in writing, and notice of the appointment shall be

forthwith sent to the other party to the arbitration and shall not be revoked without the consent of such other party :

5 (5.) The death, removal, or other change in any of the parties to the arbitration shall not affect the proceedings under this section :

10 (6.) If within the said twenty-one days either of the parties fail to appoint an arbitrator, the arbitrator appointed by the other party may proceed to hear and determine the matter in difference, and in such case the award of the single arbitrator shall be final :

15 (7.) If before an award has been made any arbitrator appointed by either party die or become incapable to act, or for fourteen days refuse or neglect to act, the party by whom such arbitrator was appointed may appoint some other person to act in his place ; and if he fail to do so within fourteen days after notice in writing from the other party for that purpose, the remaining arbitrator may proceed to hear and determine the matters in difference, 20 and in such case the award of such single arbitrator shall be final :

25 (8.) In either of the foregoing cases where an arbitrator is empowered to act singly, upon one of the parties failing to appoint, the party so failing may, before the single arbitrator has actually proceeded in the arbitration, appoint an arbitrator, who shall then act as if no failure had been made :

30 (9.) If the arbitrators fail to make their award within twenty-one days after the day on which the last of them was appointed, or within such extended time (if any) as may have been appointed for that purpose by both arbitrators under their hands, the matter in difference shall be determined by the umpire appointed as herein-after mentioned :

35 (10.) The arbitrators, before they enter upon the matters referred to them, shall appoint by writing under their hands an umpire to decide on points on which they may differ :

40 (11.) If the umpire die or become incapable to act before he has made his award, or refuses to make his award within a reasonable time after the matter has been brought within his cognizance, the persons or person who appointed such umpire shall forthwith appoint another umpire in his place :

A.D. 1875.

(12.) If the arbitrators refuse or fail or for seven days after the request of either party neglect to appoint an umpire, then on the application of either party an umpire shall be appointed by the chairman of the quarter sessions of the peace within the jurisdiction of which the factory, 5 magazine, or store is situate :

(13.) The decision of every umpire on the matters referred to him shall be final :

(14.) If a single arbitrator fail to make his award within twenty-one days after the day on which he was appointed, the 10 party who appointed him may appoint another arbitrator to act in his place : .

The arbitrator and their umpire or any of them may examine the parties and their witnesses on oath, they may also consult any counsel, engineer, or scientific person 15 whom they may think it expedient to consult :

(15.) The payment, if any, to be made to any arbitrator or umpire for his services shall be fixed by the Secretary of State, and together with the costs of the arbitration and award shall be paid by the parties, or one of them, according as the 20 award may direct. Such costs may be taxed by a master of one of the superior courts, who, on the written application of either of the parties, shall ascertain and certify the proper amount of such costs. The amount, if any, payable by the Secretary of State shall be paid as part of the expenses 25 of inspectors under this Act. The amount, if any, payable by any other party may in the event of nonpayment be recovered in the same manner as penalties under this Act.

THIRD SCHEDULE.

A.D. 1875.

Maximum Fees for Licenses granted by the Secretary of State.

	Factory license, original	-	-	-	-	-	Ten pounds.
	Do., amending	-	-	-	-	-	Five pounds.
5	Do., renewal when lost	-	-	-	-	-	Five shillings.
	Magazine license, original	-	-	-	-	-	Ten pounds.
	Do., amending	-	-	-	-	-	Five pounds.
	Do., renewal when lost	-	-	-	-	-	Five shillings.
	Importation license, first grant	-	-	-	-	-	One pound.
10	Do., renewal	-	-	-	-	-	Ten shillings.
	Continuing certificate	-	-	-	-	-	Forty shillings.

FOURTH SCHEDULE.

	Session and Chapter.	Title.
15	23 & 24 Vict. c. 139. -	An Act to amend the law concerning the making, keeping, and carriage of gunpowder and compositions of an explosive nature, and concerning the manufacture, sale, and use of fireworks.
20	24 & 25 Vict. c. 130. -	An Act for amending an Act passed in the last session of Parliament to amend the law concerning the making, keeping, and carriage of gunpowder and compositions of an explosive nature, and concerning the manufacture, sale, and use of fireworks.
25	25 & 26 Vict. c. 98. -	An Act for the amendment of an Act of the session of the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter one hundred and thirty-nine, intituled An Act to amend the law concerning the making, keeping, and carriage of gunpowder and compositions of an explosive nature, and concerning the manufacture, sale, and use of fireworks, and of an Act amending the last-mentioned Act.
30	29 & 30 Vict. c. 69. -	An Act for the amendment of the law with respect to the carriage and deposit of dangerous goods.
	32 & 33 Vict. c. 113. -	An Act to prohibit for a limited time the importation and to restrict and regulate the carriage of nitro-glycerine.

Explosive Substances.

A

B I L L

To amend the Law with respect to manufacturing, keeping, selling, carrying, and exporting Gunpowder, Nitro-glycerine, and other explosive substances.

*(Prepared and brought in by
Mr. Secretary Cross, Sir Henry Selwin-Ibbetson,
Mr. William Henry Smith.)*

*Ordered, by The House of Commons, to be Printed
25 February 1875.*

[Bill 76.]

Under 11 oz.

Explosive Substances Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Preliminary.

Clause.

1. Short title.
2. Commencement of Act.
3. Substances to which this Act applies.

PART I.

LAW RELATING TO GUNPOWDER.

General Law as to Manufacture and Keeping of Gunpowder.

4. Gunpowder to be manufactured only at existing or new factory.
5. Gunpowder (except for private use) to be kept only in existing or new magazine or store, or in registered premises.

Licensing of Factories and Magazines for Gunpowder.

6. Application for license for new factory or magazine.
7. Application for assent of local authority to site of new factory or magazine.
8. Grant and confirmation of license.

Regulation of Factories and Magazines for Gunpowder.

9. Regulations for factory and magazine.
10. General rules for factories and magazines.
11. Special rules for regulation of workmen in factory or magazine.

Supplemental as to Factories and Magazines for Gunpowder.

12. Alteration of terms of license and enlargement of factory or magazine.
13. Devolution and determination of license.

Application of Act to existing Factories and Magazines for Gunpowder.

14. Continuing certificate for existing factories and magazines.
- [Bill 115.]

*Stores for Gunpowder.**Licensing and Regulation of Stores.*

Clause.

15. Store license obtained from local authority.
16. Order in Council prescribing situation and construction of stores.
17. General rules for stores.
18. Non-transferability, renewal, and forms of store licenses.
19. Special rules for regulation of workmen in stores.

Application of Act to existing Stores for Gunpowder.

20. Definition of and continuing certificate for existing stores which are to be subject to this Act.

*Retail Dealing with Gunpowder.**Registration and Regulation of Registered Premises.*

21. Registration of premises with local authority.
22. General rules for registered premises.

Supplemental Provisions.

23. Precautions against fire or explosion to be taken by occupier.
24. Explanation as to quantities of gunpowder allowed in buildings.
25. Regulations as to arbitration.
26. Fees for licenses.
27. Adjoining places occupied together to be one place.
28. Register of store licenses and registered premises to be kept by local authority.
29. Provision in case of death, &c. of occupier of store or registered premises.

Sale of Gunpowder.

30. Restriction on sale of gunpowder in highways, &c.
31. Sale of gunpowder in closed packages labelled.

Conveyance of Gunpowder.

32. General rules as to packing of gunpowder.

Clause.

33. Byelaws by harbour authority as to conveyance, loading, &c. of gunpowder.
 34. Byelaws by railway and canal company as to conveyance, loading, &c. of gunpowder.
 35. Byelaws as to wharves in which gunpowder is loaded or unloaded.
 36. Byelaws as to conveyance by road or otherwise, or loading of gunpowder.
 37. Confirmation and publication of byelaws.
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PART II.

LAW RELATING TO OTHER EXPLOSIVES.

Application of Part I. to other Explosives.

38. Part I. relating to gunpowder applied to other explosives.
39. Modification of Part I. as applied to explosives other than gunpowder.
40. Exemption of making and carrying safety cartridges for private use.
41. Extension of 18 & 19 Vict. c. 119. s. 29. and 36 & 37 Vict. c. 85. ss. 23-27. to all explosives.

Specially dangerous Explosives.

42. Power to prohibit manufacture, importation, storage, and carriage of specially dangerous explosives.

Provisions in favour of certain Manufacturers and Dealers.

43. Provision in favour of makers, &c. of blasting cartridges.
44. Provision in favour of makers of new explosive for experiment.
45. Provision in favour of gunmakers, &c. making cartridges.
46. Provision in favour of owners of mines and quarries as to making charges, &c. for blasting.
47. Provision in favour of small firework manufacturer who may obtain a license from the local authority.
48. Licensing by local authority and regulation of small firework factories.

Clause.

49. Keeping without a license and conveyance of percussion caps, &c.

Existing Factories, Magazines, and Stores.

50. Application of Part I. of the Act to existing factories and magazines.
51. Continuing certificate not required for factory, magazine, or importation license expiring within 12 months, or for stores licensed under Nitro-glycerine Act, 1869.

PART III.

ADMINISTRATION OF LAW.

Government Supervision.

Inspection.

52. Appointment of Government inspectors.
53. Disqualification of persons as inspectors.
54. Powers of Government inspectors.
55. Notice by Government inspector to remedy dangerous practices, &c.; and penalty for non-compliance.
56. Annual report of Government inspectors proceedings.
57. Inspection by railway inspectors, or inspectors of Board of Trade.
58. Application of 35 & 36 Vict. c. 76. and c. 77. to magazines used for mines.
59. License and special rules certified by Government inspector to be evidence.
60. Keeping and carriage of samples by Government inspector.
61. Salaries of Government inspectors and expenses of Act.

Accidents.

62. Notice to be given of accidents connected with explosive.
63. Re-construction of buildings destroyed by accident.
64. Provisions as to coroners inquests on deaths from accidents connected with explosives.
65. Inquiry into accidents and formal investigation in serious cases.

*Local Supervision.**Definition and Powers of Local Authority.*

Clause.

- 66. Definition of local authority.
- 67. Power of certain local bodies to become a local authority.
- 68. Duty of local authority and power of officer.
- 69. Expenses of local authority.

Power of Local Authority to provide Carriages and Magazines.

- 70. Undertaking of carriage by harbour authority and canal company.
- 71. Provision of magazines by local authority.

General Power of Search.

- 72. Search for explosive when in place in contravention of this Act, or offence being committed with respect to it.
- 73. Seizure and detention of explosives liable to forfeiture.
- 74. Inspection of wharf, carriage, boat, &c. with explosives in transitu.
- 75. Payment for samples of explosives.

PART IV.

SUPPLEMENTAL PROVISIONS, LEGAL PROCEEDINGS, EXEMPTIONS,
AND DEFINITIONS.

Supplemental Provisions.

- 76. Penalty on and removal of trespassers.
- 77. Arrest without warrant of persons committing dangerous offences.
- 78. Imprisonment for wilful act or neglect endangering life or limb.
- 79. Penalty for throwing fireworks in thoroughfare.
- 80. Forgery and falsification of documents.
- 81. Punishment for defacing notices.
- 82. Provisions as to Orders in Council and Orders of Secretary of State.

Clause.

- 83. Publication of byelaws, notices, &c.
- 84. Requisitions, notices, &c. to be in writing, and how to be served.
- 85. Construction of enactments referring to powers of searching for gunpowder.

Legal Proceedings.

- 86. Exemption of occupier from penalty upon proof of another being real offender.
- 87. Exemption of carrier and owner and master of ship where consignee, &c. in fault.
- 88. Supplemental provisions as to forfeiture of explosive.
- 89. Jurisdiction in tidal waters or on boundaries.

Legal Proceedings.

- 90. Prosecution of offences either summarily or on indictment.
- 91. Power of offender in certain cases to elect to be tried on indictment, and not by summary jurisdiction.
- 92. Appeal to quarter sessions.
- 93. Constitution of court, and distress of ship.
- 94. Application of penalties and disposal of forfeitures.

Exemptions and Savings.

- 95. Exemption of Government factories, &c. from the Act.
- 96. Saving for rocket and fog stations.
- 97. Exemption of magazines in the Mersey under 14 & 15 Vict. c. 67.
- 98. Saving for master of ship and carrier in case of emergency.
- 99. Saving for rockets, gunpowder, &c. on board ship in compliance with 17 & 18 Vict. c. 104.
- 100. Saving clause as to liability.
- 101. Powers of Act cumulative, with power to make provisional order for repealing local Acts.

Definitions.

- 102. Extension of definition of explosive to other explosive substances.

Clause.

- 103. Persons carrying on certain processes to be deemed manufacturers.
- 104. Definition and classification of explosives by Order in Council.
- 105. Definition of "chief officer of police."
- 106. General definitions.

Application of Act to Scotland.

- 107. Definitions.

Application of Act to Ireland.

- 108. Definition of local authority.
- 109. Power of certain local bodies to become a local authority.
- 110. Expenses of local authority.
- 111. Definitions.
- 112. Application of penalties in Ireland.

Repeal of Acts.

- 113. Repeal of Acts in Schedule.

SCHEDULES.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Law with respect to manufacturing, keeping, selling, carrying, and importing Gunpowder, Nitro-glycerine, and other explosive substances. A.D. 1875.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

5

Preliminary.

1. This Act may be cited as the Explosives Act, 1875.

Short title.

2. This Act shall come into operation on the first day of January one thousand eight hundred and seventy-six, in this Act referred to as the commencement of this Act; but any Order in Council, order, Commence-
ment of Act.

10 general rules, and byelaws, and any appointment to an office may be made under this Act at any time after the passing thereof, but shall not take effect until the commencement of this Act.

3. This Act shall apply to gunpowder and other explosives as defined by this section. Substances
to which
this Act
applies.

15 The term "explosive" in this Act—

(1.) Means gunpowder, nitro-glycerine, dynamite, gun-cotton, blasting powders, fulminate of mercury or of other metals, coloured fires, and every other substance whether similar to those above mentioned or not, used or manufactured with a view to produce a practical effect by explosion or a pyrotechnic effect; and

20

(2.) Includes fog-signals, fire-works, fuzes, rockets, percussion caps, detonators, cartridges, ammunition of all descriptions, and every adaptation or preparation of an explosive as above defined.

25

A.D. 1875.

PART I.

LAW RELATING TO GUNPOWDER.

General Law as to Manufacture and Keeping of Gunpowder.

Gunpowder
to be manu-
factured
only at
existing or
new factory.

4. The manufacture of gunpowder shall not, nor shall any process of such manufacture be carried on except at a factory for gunpowder 5 either lawfully existing or licensed for the same under this Act.

Provided that nothing in this section shall apply to the making of a small quantity of gunpowder for the purpose of chemical experiment and not for practical use or for sale.

If any person manufactures gunpowder or carries on any process 10 of such manufacture at any place at which he is not allowed by this section so to do, he shall be deemed to manufacture gunpowder at an unauthorised place.

Where gunpowder is manufactured at an unauthorised place—

1. All or any part of the gunpowder or the ingredients of gun- 15 powder which may be found either in or about such place or in the possession or under the control of any person convicted under this section, may be forfeited; and
2. The person so manufacturing shall be liable to a penalty not exceeding one hundred pounds a day for every day during 20 which he so manufactures.

Gunpowder
(except for
private use)
to be kept
only in
existing or
new maga-
zine or
store, or in
registered
premises.

5. Gunpowder shall not be kept at any place except as follows; that is to say,

- (1.) Except in the factory (either lawfully existing or licensed for the same under this Act) in which it is manufactured; or 25
- (2.) Except in a magazine or store for gunpowder either lawfully existing or licensed under this Act for keeping gunpowder; or
- (3.) Except in premises registered under this Act for keeping gunpowder. 30

Provided that this section shall not apply—

- (1.) To a person keeping for his private use and not for sale gun- powder to an amount not exceeding on the same premises thirty pounds; or
- (2.) To the keeping of any gunpowder by a carrier, or other 35 person for the purpose of conveyance, when the same is being conveyed or kept in accordance with the provisions of this Act with respect to the conveyance of gunpowder.

Any gunpowder kept in any place other than as above in this section mentioned shall be deemed to be kept in an unauthorised 40 place.

Where any gunpowder is kept in an unauthorised place,—

A.D. 1875.

(1.) All or any part of the gunpowder found in such place may be forfeited; and

5 (2.) The occupier of such place, and also the owner of, or other person guilty of keeping the gunpowder, shall each be liable to a penalty not exceeding two shillings for every pound of gunpowder so kept.

Licensing of Factories and Magazines for Gunpowder.

10 6. A new factory or magazine for gunpowder shall not be established except on the site and in the manner specified in a license for the same granted under this Act.

Application
for license
for new
factory or
magazine.

An applicant for such a license shall submit to the Secretary of State the draft of a license accompanied by a plan (drawn to scale) of the proposed factory or magazine, and the site thereof, (which
15 plan shall be deemed to form part of and to be in this Act included in the expression "the license").

The draft license shall contain the terms which the applicant proposes to have inserted in his license; and shall specify such of the following matters as are applicable; namely,

20 (a.) The boundaries of the site of the factory or magazine and either any belt of land surrounding the site which is to be kept clear, and the buildings and works from which it is to be kept clear, or the distances to be maintained between the factory or magazine, or any part thereof, and other
25 buildings and works; and

(b.) The situation, character, and construction of all the mounds, buildings, and works on or connected with the factory or magazine, and the distances thereof from each other; and

30 (c.) The nature of the processes to be carried on in the factory and in each part thereof, and the place at which each process of the manufacture, and each description of work connected with the factory or magazine is to be carried on; and the places in the factory or magazine at which gunpowder and any ingredients of gunpowder, and any
35 articles liable to spontaneous ignition, or inflammable or otherwise dangerous, are to be kept; and

(d.) The amount of gunpowder and of ingredients thereof wholly or partly mixed to be allowed at the same time in any building or machine or any process of the manufacture
40 or within a limited distance from such building or machine, having regard to the situation and construction

A.D. 1875.

of such building, and to the distance thereof from any other building or any works; and

- (e.) The situation, in the case of a factory, of each factory magazine and in the case of another magazine, of each building forming part of such magazine in which gun- 5 powder is to be kept, and the maximum amount of gunpowder to be kept in each factory magazine, and in each such building as aforesaid; and
- (f.) The maximum number of persons to be employed in each building in the factory; and 10
- (g.) Any special terms which the applicant may propose by reason of any special circumstances arising from the locality, the situation or construction of any buildings or works, or the nature of any process, or otherwise.

The Secretary of State, after examination of the proposal, may 15 reject the application altogether or may approve of the draft license, with or without modification or addition, and grant to the applicant permission to apply to the local authority for their assent to the establishment of the factory or magazine on the proposed site. 20

Application
for assent of
local authority
to site of
new factory
or magazine.

7. The local authority, upon application being made for their assent to the establishment of a new factory or magazine on the proposed site, shall cause notice to be published by the applicant in manner directed by this Act of the application and of the time and place at which they will be prepared to hear the applicant and 25 any persons objecting to such establishment, who have not less than seven clear days before the day of hearing, sent to the clerk of the local authority and to the applicant notice of their intention to appear and object, with their name, address, and calling, and a short statement of the grounds of their objection. 30

Upon the hearing of the application, or any adjournment thereof, the local authority may dissent altogether from the establishment of such new factory or magazine on the proposed site, or assent thereto, either absolutely or on any conditions requiring additional restrictions or precautions. 35

Where the site of the proposed factory or magazine is situate within or within one mile of the limits of the jurisdiction of any urban sanitary authority, or of any harbour authority, the applicant shall serve on such authority, if they are not the local authority, notice of the application and of the time and place of 40 hearing fixed by the local authority.

The said notices shall be published and served by the applicant A.D. 1875.
not less than one month before the hearing.

The local authority shall fix the time and place of hearing as soon as practicable after application made to them, and the time so fixed
5 shall be as soon as may be after the expiration of the said month from the publication and service of the notices by the applicant, and their final decision shall be given as soon as practicable after the expiration of the said month.

The place so fixed shall be situate within the jurisdiction of the
10 local authority, or within a convenient distance of the limits of that jurisdiction.

The costs of any objections which the local authority may deem to be frivolous shall be ascertained by an order made by the local authority, and shall be a debt due from the objector to the appli-
15 cant, of which such order shall be conclusive evidence.

Where the site of the proposed factory or magazine is situate partly within the jurisdiction of one local authority and partly within the jurisdiction of another, the assent of both local authorities shall be applied for in manner provided by this Act.

20 8. If on the hearing of the application for the establishment of a factory or magazine the local authority assent thereto either abso-
lutely or on conditions submitted to by the applicant, the applicant shall be entitled to the license applied for in accordance with the draft approved by the Secretary of State, with the addition (if the
25 assent was on conditions) of the additional restrictions and precautions required by those conditions.

Grant and
confirmation
of license.

If the local authority assent on any conditions not submitted to by the applicant or dissent, the applicant may appeal to the Secretary of State, giving notice of such appeal to the local authority,
30 and requiring them to state in writing their reasons for such conditions or dissent; and the Secretary of State, after considering the reasons (if any) so stated, and after such inquiry, local or other, as he may think necessary, may if the local authority dissented, refuse the license, or may in either case grant the license applied for
35 in accordance with the draft license either as previously approved by him, or with such modifications and additions as he may consider required to meet the reasons (if any) so stated by the local authority.

The Secretary of State, when satisfied that the factory or magazine is sufficiently completed according to the license to justify the use thereof, shall confirm the license, but until so confirmed the
40 license shall not come into force.

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The site bounded as described in the license shall, with every mound, building, and work thereon for whatever purpose, be deemed, for the purposes of this Act, to be the factory or magazine referred to in the license.

Regulation of Factories and Magazines for Gunpowder. 5

Regulations
for factory
and maga-
zine.

9. In every gunpowder factory and magazine—

- (1.) The factory or magazine, or any part thereof, shall not be used for any purpose not in accordance with the license; and
- (2.) The terms of the license shall be duly observed, and the manufacture or keeping or any process in or work connected 10 with the manufacture or keeping of gunpowder shall not be carried on except in accordance with those terms; and
- (3.) The factory or magazine and every part thereof shall be maintained in accordance with the license, and the site and the buildings thereon shall not be externally enlarged or added 15 to except as authorised by this Act.

In the event of any breach (by any act or default) of this section in any factory or magazine,

- (a.) All or any part of the gunpowder or ingredients thereof in respect to which, or being in any building or machine 20 in respect to which, the offence was committed, may be forfeited; and
- (b.) The occupier shall be liable to a penalty not exceeding in the case of the first offence fifty pounds, and in the case of a second or any subsequent offence one hundred pounds 25 and in addition fifty pounds for every day during which such breach continues.

The occupier of a factory shall not be deemed guilty of a breach of this section for using in a case of emergency, or temporarily, one building or part of a building in which any process of the manufac- 30 ture is, under the terms of the license, carried on, for another process of the manufacture, if he do not carry on in such building or part more than one process at the same time, and if the quantity of gunpowder or ingredients thereof in such building or part do not exceed the quantity allowed to be therein, or any less quantity 35 allowed to be in the building or part of a building in which such other process is usually carried on; and if upon such use being continued after the lapse of twenty-eight days from the first beginning of such use he send notice of such use to a Government inspector, and the Government inspector do not require the discon- 40 tinuance of such use.

10. In every gunpowder factory and magazine the following general rules shall be observed :

A.D. 1875.

General
rules for
factories
and maga-
zines.

5 (1.) In a factory every factory magazine, and in any other magazine every building in which gunpowder is kept, shall be used only for the keeping of gunpowder, and receptacles for or tools or implements for work connected with the keeping of such gunpowder ; and

10 (2.) The interior of every building in which any process of the manufacture is carried on or in which gunpowder or any ingredients thereof, either mixed or partially mixed, are kept, or in the course of manufacture are liable to be (in this Act referred to as a danger building), and the benches, shelves, and fittings in such building (other than machinery), shall be so constructed or so lined or covered
15 as to prevent the exposure of any iron or steel in such manner, and the detaching of any grit, iron, steel, or similar substance in such manner, as to come into contact with the gunpowder or ingredients thereof in such building, and such interior, benches, shelves, and fittings
20 shall, so far as is reasonably practicable, be kept free from grit and otherwise clean ; and

25 (3.) Every factory magazine and expense magazine in a factory, and every danger building in a magazine, shall have attached thereto a sufficient lightning conductor, unless, by reason of the construction by excavation or the position of such magazine or building, or otherwise, the Secretary of State considers a conductor unnecessary, and every danger building in a factory shall, if so required by the Secretary of State, have attached thereto a sufficient
30 lightning conductor ; and

35 (4.) Charcoal, whether ground or otherwise, and oiled cotton, oiled rags, and oiled waste, and any articles whatever liable to spontaneous ignition, shall not be taken into any danger building, except for the purpose of immediate supply and work or immediate use in such building, and upon the cessation of such work or use shall be forthwith removed ; and

40 (5.) Before repairs are done to or in any room in or other part of a danger building, that room or part shall, so far as practicable, be cleaned by the removal of all gunpowder, and wholly or partly mixed ingredients thereof, and the thorough washing out of such room or part ; and such

A.D. 1875.

room or part of the building after being so cleaned shall not be deemed to be a danger building within the meaning of these rules until gunpowder or the wholly or partly mixed ingredients thereof are again taken into it; and

- (6.) There shall be constantly kept affixed in every danger 5 building, either outside or inside, in such manner as to be easily read, a statement of the quantities of gunpowder or ingredients allowed to be in the building, and a copy of these rules, and of any other part of this Act required by the Secretary of State to be affixed, and of such part of 10 the license and special rules made under this Act as apply to the building; and with the addition in a factory of the name of the building, or words indicating the purpose for which it is used; and
- (7.) All tools and implements used in any repairs to or in a 15 danger building shall be made only of wood or copper or brass or some soft metal or material, or shall be covered with some safe and suitable material; and
- (8.) Due provision shall be made, by the use of suitable working clothes without pockets, suitable shoes, searching, and 20 otherwise, or by some of such means, for preventing the introduction into any danger building of fire, lucifer matches, or any substance or article likely to cause explosion or fire, and for preventing the introduction of any iron, steel, or grit into any part of a danger building where 25 it would be likely to come into contact with gunpowder or the wholly or partly mixed ingredients thereof; but this rule shall not prevent the introduction of an artificial light of such construction, position, or character as not to cause any danger of fire or explosion; and 30
- (9.) No person shall smoke in any part of the factory or magazine, except in such part (if any) as may be allowed by the special rules; and
- (10.) Gunpowder and the wholly or partly mixed ingredients thereof shall be conveyed from one building to another in a 35 factory or magazine, or from any such building to any place outside of such factory or magazine in a carriage, boat, or receptacle which is constructed without any exposed iron or steel in the interior thereof, and contains only the gunpowder or ingredients, and is closed or otherwise 40 properly covered over, and shall be so conveyed with all due diligence, and with such precautions, and in such

manner as will sufficiently guard against any accidental ignition; and

(11.) A person under the age of sixteen years shall not be employed in or enter any danger building, except in the presence and under the supervision of some grown-up person; and

(12.) In a factory the ingredients in course of manufacture into gunpowder shall be removed with all due diligence from each working building so soon as the process connected with those ingredients which is carried on in such building is completed, and all finished gunpowder shall with all due diligence either be removed to a factory magazine, or sent away immediately from the factory, and such ingredients and gunpowder shall be loaded and unloaded with all due diligence; and

(13.) In a factory all ingredients to be made or mixed into gunpowder shall, before being so made or mixed, be carefully sifted, for the purpose of removing therefrom, so far as practicable, all dangerous foreign matter.

The Secretary of State may, from time to time, by order, make, and when made rescind and alter, such modifications in the foregoing general rules as may appear to him to be necessary for adapting the same to floating magazines, and such modifications shall have effect as if they were contained in this section.

In the event of any breach (by any act or default) of the general rules in any factory or magazine,—

(a.) All or any part of the gunpowder or ingredients thereof in respect to which, or being in any building or machine in respect to which, the offence was committed, may be forfeited; and

(b.) The occupier shall be liable to a penalty not exceeding ten pounds, and in addition (in the case of a second offence) ten pounds for every day during which such breach continues.

11. Every occupier of a gunpowder factory or magazine shall, with the sanction of the Secretary of State, make special rules for the regulation of the persons managing or employed in or about such factory or magazine, with a view to secure the observance of this Act therein, and the safety and proper discipline of the said persons and the safety of the public.

Special rules for regulation of workmen in factory or magazine.

There may be annexed to any breach of special rules made in pursuance of this section such penalties, not exceeding forty shillings for each offence as may be deemed just.

A.D. 1875. — The occupier may, and if required by the Secretary of State shall, with the sanction of the Secretary of State repeal, alter, or add to any special rules made in pursuance of this section.

If an occupier is required by the Secretary of State to make, repeal, alter, or add to any rules under this section, and fail 5 within three months after such requisition to comply therewith to the satisfaction of the Secretary of State, the Secretary of State may make, repeal, alter, or add to the special rules, and anything so done by the Secretary of State shall have effect as if done by the occupier with the sanction of the Secretary of State. 10

If the occupier feel aggrieved by any such requisition, or by anything so done by the Secretary of State, he may, after receiving such requisition or notice of the same being so done, require the matter to be referred to arbitration in manner provided by this Act.

Supplemental as to Factories and Magazines for Gunpowder. 15

Alteration of terms of license and enlargement of factory or magazine.

12. Where the occupier of any gunpowder factory or magazine desires that any alteration should be made in the terms of his license, or any material alteration made in the factory or magazine by enlarging or adding to the site or by externally enlarging or adding to any building, or by altering any mound otherwise than by enlarge- 20 ment, or by making any new work, he may apply for an amending license.

If he satisfy the Secretary of State that the alteration may be properly permitted, having regard to the safety of the persons employed in the factory or magazine, and will not materially either 25 increase the danger to the public from fire or explosion, or diminish the distance of any danger building in the factory or magazine from any building or work outside and in the neighbourhood of the factory or magazine, or increase the amount of gunpowder allowed to be kept in the factory magazine, or in any building in 30 the magazine, the Secretary of State may grant the amending license of his own authority, but, save as aforesaid, the provisions of this Act with respect to the application for and grant of a new license shall apply to such amending license.

Devolution and determination of license.

13. A gunpowder factory or magazine license shall not be avoided 35 by any change in the occupier of the factory or magazine; but notice of the name, address, and calling of the new occupier shall be sent to the Secretary of State within three months after the change, and in default such new occupier shall be liable to a penalty not exceeding twenty shillings for every week during which such default continues. 40

A factory or magazine license shall be determined by a discontinuance of the business carried on in pursuance of any such license if such discontinuance continues for a period of two years or more, or if the factory or magazine is used for any purpose not authorised by the license: Provided that if the occupier sends to the Secretary of State, and publishes in manner directed by the Secretary of State, a notice to the effect that the right to the factory or magazine license is not intended to be surrendered, the license shall not be determined until after the expiration of five years after the first discontinuance of the business, whether the factory or magazine has or has not been used for any purpose not authorised by the license.

A.D. 1875.

Application of Act to existing Factories and Magazines for Gunpowder.

14. A factory or magazine for gunpowder used at the time of the passing of this Act shall not be deemed to be a lawfully existing factory or magazine within the meaning of this Act unless the occupier thereof apply for and obtain in manner provided by this Act a certificate (in this Act referred to as a continuing certificate) in respect of such factory or magazine.

Continuing
certificate
for existing
factories
and maga-
zines.

The occupier desirous of obtaining such certificate shall, before the expiration of three months after the commencement of this Act, send to the Secretary of State an application for such certificate, stating his name, address, and calling, and the situation of his factory or magazine, and accompanied with such particulars respecting the factory or magazine and the site thereof, and the mounds, buildings, and works thereon or connected therewith, and such copies of any plans in the possession of the occupier, as the Secretary of State may deem necessary for enabling him to make out the certificate.

The Secretary of State upon receiving such application shall grant the continuing certificate for the factory or magazine to which the application relates, and shall insert therein, by reference to a plan (which shall be deemed part of the certificate) or otherwise, such particulars as he may consider sufficient to identify the factory or magazine and indicate the site and all the existing mounds, buildings, and works thereon or connected therewith, the plan so referred to may be either the plan sent by the occupier or such other plan as the Secretary of State may cause to be made for the purpose.

The continuing certificate shall specify the maximum amount of gunpowder to be kept if the certificate is for a factory in each factory magazine, or in all the factory magazines of the factory, and

A.D. 1875. if for a magazine in each building in the magazine, or in all the buildings of the magazine, and the amount so specified, where the maximum amount so to be kept is at the passing of this Act limited by any Act or by license or otherwise, shall be that amount, and, where there is no such limitation, shall be the maximum amount 5 which the factory magazine, or all the factory magazines of the factory, or the building or all the buildings of the magazine was or were capable of holding on the first day of January one thousand eight hundred and seventy-five.

Such of the regulations of sections two and five of the Gun- 10 powder Act, 1860, as are set out in Part One of the first schedule to this Act shall be deemed to form part of the terms of a continuing certificate for a factory.

The site bounded as described in the certificate shall, with every mound, building, and work thereon, for whatever purpose, be deemed, 15 for the purpose of this Act, to be the factory or magazine referred to in the certificate.

Where a license has been obtained before the twenty-fifth day of February one thousand eight hundred and seventy-five, for a factory or magazine for gunpowder, and such factory or magazine has not 20 been completed before the passing of this Act, such factory or magazine shall be deemed to be, for the purposes of this section, a factory or magazine for gunpowder used at the time of the passing of this Act:

Provided that—

- (1.) The particulars to be stated in the continuing certificate shall, as regards such mounds, buildings, and works as are not completed at the date of the certificate, relate to the same as designed on the commencement of the construction of the factory or magazine; and 25
- (2.) The maximum amount of gunpowder to be specified in the continuing certificate as being allowed to be kept in any building shall, subject to the provisions of any Act or license, be the maximum amount which such building was designed on the commencement of the building thereof to 30 hold, or such less amount as it is completed for holding at the time of the passing of this Act. 35

For the purposes of this Act, a continuing certificate shall (save as otherwise expressly provided) be deemed to be a license, and the factory or magazine, as the case may be, mentioned therein 40 to be a factory or magazine licensed under this Act, and the provisions of this Act shall be construed accordingly.

Provided that—

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- (1.) It shall not be necessary in any case to apply for the assent of the local authority to an amending license for an alteration in the terms of such certificate, or for an alteration in the factory or magazine; and
- (2.) Such factory or magazine, if the certificate is determined by the discontinuance of the business carried on therein, shall cease to be deemed an existing factory or magazine.

Stores for Gunpowder.

Licensing and Regulation of Stores.

15. Any person may apply for a license for a gunpowder store to the local authority at the time and place appointed by such authority, stating his name, address, and calling, the proposed site and construction of the store and the amount of gunpowder he proposes to store therein; and the local authority shall, as soon as practicable, if the proposed site, construction of the store, and amount of gunpowder are in accordance with the Order in Council herein-after mentioned, grant to the applicant, on payment of such fee not exceeding five shillings, as may be fixed by that authority, the license applied for.

Store license obtained from local authority.

16. Her Majesty may from time to time, by Order in Council made on the recommendation of the Secretary of State—

- (1.) Regulate the construction and materials and fittings of gunpowder stores; and
- (2.) Prescribe the buildings and works from which gunpowder stores are to be separated, and the distances by which they are to be separated; and
- (3.) Prescribe the maximum amount of gunpowder, not exceeding two tons, to be kept in stores, graduated according to their construction and situation and their distance from the said buildings and works.

Order in Council prescribing situation and construction of stores.

Provided that an Order under this section shall not require the removal of any building lawfully existing at the date of the making of such Order.

17. In every gunpowder store the following general rules shall be observed; that is to say,

General rules for stores.

- (1.) The provisions of an Order in Council relating to stores so far as they apply to such store shall be duly observed:
- (2.) There shall not be at the same time in the store an amount of gunpowder exceeding the amount specified in the license; and

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- (3.) The store shall be used only for the keeping of gunpowder, and receptacles for or tools or implements for work connected with the keeping of such gunpowder; and
- (4.) The interior of the store, and the benches, shelves, and fittings therein, shall be so constructed or so lined or covered as to prevent the exposure of any iron or steel and the detaching of any grit, iron, steel, or similar substance, in such manner as to come into contact with the gunpowder, and such interior, benches, shelves, and fittings shall, so far as is reasonably practicable, be kept free from grit, and otherwise clean; and
- (5.) The store shall have attached thereto a sufficient lightning conductor, unless it is made by excavation or is licensed for less than one thousand pounds of gunpowder; and
- (6.) Before repairs are done to or in any part of a store, the store shall, so far as practicable, be cleaned by the removal of all gunpowder and the thorough washing out of the store; and after such cleaning, these rules shall cease to apply to the store until gunpowder is again taken there; and
- (7.) Except after such cleaning all tools and implements used in or in any repairs to the store, shall be made only of wood, copper, or brass, or some soft metal or material, or shall be covered with some safe and suitable material; and
- (8.) Due provision shall be made by the use of suitable working clothes without pockets, suitable shoes, searching, and otherwise, or by some of such means, for preventing the introduction into the store of fire, lucifer matches, or any substance or article likely to cause explosion or fire, or any iron, steel, or grit; but this rule shall not prevent the introduction of an artificial light of such construction, position, or character, as not to cause any danger of fire or explosion; and
- (9.) No person shall smoke in any part of the store; and
- (10.) A person under the age of sixteen years shall not be employed in or enter the store except in the presence and under the supervision of some grown-up person.

In the event of any breach (by any act or default) of the general rules in any store,—

- (a.) All or any part of the gunpowder in respect to which or being in the store when the offence was committed may be forfeited; and

(b.) The occupier shall be liable to a penalty not exceeding ten pounds, and in addition (in the case of a second offence) ten pounds for every day during which such breach continues. A.D. 1875.

5 18. A store license shall be valid only for the person named in it, and shall annually, if the circumstances be such as would justify the grant of a new license, on application by post or otherwise, and payment of such fee, not exceeding one shilling, as may be from time to time fixed by the local authority, be renewed
10 by that authority, by endorsement or otherwise, for that year, and unless so renewed shall expire. Non-trans-ferability, renewal, and forms of store li-censes.

Store licenses shall be in the form from time to time directed by the Secretary of State.

15 19. Every occupier of a gunpowder store may, with the sanction of the Secretary of State, make, and when made, may with the like sanction, repeal, alter, or add to, special rules for the regulation of the persons managing or employed in or about such store, with a view to secure the observance of this Act therein, and the safety and proper discipline of the said persons and the safety of the
20 public. Special rules for regulation of workmen in stores.

There may be annexed to any breach of special rules made in pursuance of this section such penalties, not exceeding forty shillings for each offence, as may be deemed just.

Application of Act to existing Stores for Gunpowder.

25 20. Any magazine established in pursuance of the Gunpowder Act, 1860, or of any enactment repealed by that Act, for the use of any mine, quarry, colliery, or factory of safety-fuzes, and in use at the passing of this Act, is in this Act referred to as an existing gunpowder store. Definition of and continuing certi-ficate for existing stores which are to be subject to this Act.

30 An existing gunpowder store shall not require a continuing certificate as a magazine from the Secretary of State, but shall require a continuing certificate from the local authority, and if such certificate is not applied for and obtained in manner provided by this Act, shall not be deemed to be a lawfully existing store.

35 The occupier of the store desirous of obtaining a continuing certificate shall, before the expiration of three months after the commence-ment of this Act, send an application for such certificate to the local authority, stating his name, address, and calling, and the situation and construction of the store, and accompanied by such particulars
40 respecting the store as may be necessary to enable the local authority to make out the certificate.

A.D 1875.

The local authority upon receiving such application shall, on payment of such fee not exceeding half a crown as may be fixed by that authority, grant the continuing certificate, inserting therein such particulars as appear to them to be sufficient to identify the store, and inserting the maximum amount of gunpowder which the store is to be limited to hold, and such amount shall be the maximum amount which the store was capable of holding on the first day of January one thousand eight hundred and seventy-five, or such less amount as is limited by the regulations below in this section mentioned.

10

Such of the regulations of the Gunpowder Act, 1860, as are set out in part two of the first schedule to this Act shall apply to every store to which a continuing certificate is granted as if they were contained in an Order in Council under this Act relating to stores.

For the purposes of this Act a continuing certificate for a store shall, save as otherwise expressly provided, be deemed to be a license, and the store a store licensed under this Act, and the provisions of this Act shall be construed accordingly.

Provided that—

- (1.) The store shall not be enlarged, or added to, or so altered as to be of a less secure construction, and any breach of this proviso shall be deemed to be a breach of the general rules relating to stores; and
- (2.) The continuing certificate shall not be limited in duration, but if the business carried on in the store is discontinued and either such discontinuance continues for a period of twelve months or more, or the store is used for another purpose, such store shall cease to be deemed an existing store.

Nothing in this section shall prevent the obtaining for any existing gunpowder store of a license from the local authority under this Act, as in the case of a new store, and a store for which such license is obtained shall, whether a continuing certificate has or has not been previously obtained for the same, cease to be deemed an existing store.

35

Retail Dealing with Gunpowder.

Registration and Regulation of Registered Premises.

Registration
of premises
with local
authority.

21. A person desirous of registering with the local authority any premises for the keeping of gunpowder shall register his name and calling, and the said premises (in this Act referred to as his

40

registered premises) in such manner and on payment of such fee, A.D. 1875.
not exceeding one shilling, as may be directed by the local authority.

Such registration shall be valid only for the person registered,
and shall be annually renewed by sending by post or otherwise
5 notice of such renewal to the local authority, together with such
fee, not exceeding one shilling, as may be fixed by that authority.

22. The following general rules shall be observed with respect to registered premises :

General
rules for
registered
premises.

10 (1.) The gunpowder shall be kept in a house or building, or in a
fire-proof safe, such safe, if not within a house or build-
ing, to be at a safe distance from any highway, street,
public thoroughfare, or public place; and

(2.) The amount of gunpowder on the same registered premises
shall not—

15 (a.) If it is kept in a substantially constructed building
exclusively appropriated for the purpose and de-
tached from a dwelling house, or in a fire-proof safe
outside a dwelling house, and detached therefrom,
and at a safe distance from any highway, street,
20 public thoroughfare, or public place, exceed two
hundred pounds; and

(b.) If it is kept inside a dwelling house, or in any
building other than as last aforesaid, exceed fifty
pounds, unless it is kept in a fire-proof safe within
such house or building, in which case the amount
25 shall not exceed one hundred pounds; and

(3.) An article or substance of an explosive or highly inflammable
nature shall not be kept in a fire-proof safe with the gun-
powder, and in every case shall be kept at a safe distance
30 from the gunpowder or the safe containing the same; and

(4.) Neither the building exclusively appropriated for the purpose
of keeping the gunpowder nor the fireproof safe shall have
any exposed iron in the interior thereof; and

35 (5.) All gunpowder exceeding one pound in amount shall be
kept in a substantial case, bag, canister, or other receptacle
made and closed so as to prevent the gunpowder from
escaping.

In the event of any breach (by any act or default) of such
general rules in any registered premises,—

40 (a.) All or any part of the gunpowder in respect to which, or
being in any building, room, place, safe, or receptacle in
respect to which, the offence was committed may be for-
feited; and

A.D. 1875.

(b.) The occupier shall be liable to a penalty not exceeding two shillings for every pound of gunpowder in respect of which or being on the premises in which the offence was committed.

Supplemental Provisions. 5

Precautions
against fire
or explosion
to be taken
by occupier.

23. The occupier of every factory, magazine, store, and registered premises, and every person employed in or about the same, shall take all due precaution for the prevention of accidents by fire or explosion in the same, and for preventing unauthorised persons having access to the factory, magazine, or store, or to the gunpowder therein or in the registered premises, and shall abstain from any act whatever which tends to cause fire or explosion and is not reasonably necessary for the purpose of the work in such factory, magazine, store, or premises. 10

Any breach (by any act or default) of this section in any factory, magazine, store, or registered premises shall be deemed to be a breach of the general rules applying thereto. 15

Explanation
as to quantities
of
gunpowder
allowed in
buildings.

24. Where any provision of this Act limits the quantity of gunpowder or ingredients of gunpowder to be allowed in any building at any one time, all gunpowder and ingredients within the radius of twenty yards from the building and in course either of removal from the building, or of removal to the building for the supply and work thereof, shall be deemed to be in the building. 20

Provided that, if while the gunpowder or ingredients so in course of removal are within the radius, every machine and manufacturing process in the building is wholly stopped, there may, in addition to the quantity so allowed as aforesaid to be in the building, be within the radius a further quantity of gunpowder and ingredients so in course of removal as aforesaid, not exceeding the quantity specified in that behalf in the license, or in the case of a building existing at the passing of this Act in a lawfully existing factory for gunpowder ten hundredweight, or any less quantity so allowed as aforesaid to be in the building. 25 30

Where any provision of this Act limits the quantity of gunpowder or ingredients of gunpowder to be allowed in any machine at any one time, but does not limit the quantity to be in the building containing such machine, the foregoing provisions of this section shall apply so far as circumstances admit as if such machine were a building. 35

Where the quantity allowed to be in any building is limited to what is required for the immediate supply and work of such 40

A.D. 1875.

building, or by words not specifying the exact quantity, a Government inspector who considers that the quantity in any such building is in excess, may, after hearing the explanation of the occupier, require the occupier to diminish such quantity to the maximum
5 named in the requisition.

The occupier, if he feel aggrieved by such requisition, may require the matter to be referred to arbitration in manner provided by this Act.

The exact quantity to be allowed in such building shall be
10 determined by the requisition, or if the matter is referred to arbitration by the award.

25. An occupier authorised by this Act to require any matter to be referred to arbitration, may, within one month after receiving the requisition or other matter to be so referred, send an objection
15 thereto to the Secretary of State; and if the cause of such objection is not, within one month after such objection is received by the Secretary of State, removed by the Secretary of State waiving or varying the said requisition or matter, or otherwise (which the Secretary of State is hereby authorised to do), such occupier may,
20 by notice sent within seven days after the expiration of the said month to the Secretary of State, require the matter to be referred to arbitration, and the date of the receipt by the Secretary of State of the last-mentioned notice shall be deemed to be the date of the reference.

25 Arbitrations under this Act shall be conducted in manner provided by the second schedule to this Act.

26. There shall be payable in respect of licenses and continuing certificates granted by the Secretary of State such fees as may be
from time to time fixed by him with the consent of the Treasury,
30 not exceeding the fees in the third schedule to this Act, and if no fee is fixed the fees mentioned in the said schedule.

Such fees shall be taken and paid into the receipt of Her Majesty's Exchequer in such manner as the Treasury may from time to time direct, and shall be carried to the Consolidated Fund.

35 The Secretary of State may also require any applicant for a new license to pay such sum as the Secretary of State may think reasonable for expenses incurred upon any inquiry made by order of the Secretary of State with respect to the grant of such license.

When the local authority do not fix any fee which they are
40 authorised by this Act to fix, the fee payable shall be the maximum fee which such authority are authorised to fix.

A.D. 1875. The fees payable to the local authority in respect of any license certificate, or otherwise in pursuance of this Act, shall, where the clerk of the local authority is not wholly paid by fees, be carried to the credit of the local rate, or otherwise disposed of as such local authority may direct, and where such clerk is wholly paid by fees, 5 shall, unless the local authority otherwise direct, be paid to such clerk.

Adjoining places occupied together to be one place.

27. For the purposes of the provisions of this Act with respect to the manufacture and keeping of gunpowder, all buildings and places adjoining each other and occupied together shall be deemed 10 to be the same factory, magazine, store, or premises, and shall accordingly be included in one license or one registration.

Register of store licenses and registered premises to be kept by local authority.

28. The local authority shall cause registers of all store licenses granted by and of all premises registered with them under this Act to be kept in such form and with such particulars as they may 15 direct.

The local authority shall, when so required by the Secretary of State, send to him, within the time fixed by such requisition, a copy of such register or any part thereof, and in default the clerk of such authority, and also the authority if they are in fault, shall 20 be liable to a penalty not exceeding one pound for every day during which such default continues.

A ratepayer within the area of the local authority, and a licensee or person registered under this Act, upon payment of a fee of one shilling, and a Government inspector, and an officer appointed by any 25 local authority for the purposes of this Act, and an officer of police, without payment, shall be entitled at all reasonable times to inspect and take copies of or extracts from any register kept in pursuance of this section; and the clerk of the local authority and every other person who fails to allow such inspection or taking copies of or 30 extracts from the same, or demands any unauthorised fee therefor, shall be liable to a penalty not exceeding one pound for each offence.

Provision in case of death, &c. of occupier of store or registered premises.

29. If the occupier of a store or registered premises dies or becomes bankrupt, or has his affairs liquidated by arrange- 35 ment, or becomes mentally incapable or otherwise disabled, the person carrying on the business of such occupier shall not be liable to any penalty or forfeiture under this Act for carrying on the business and acting under the license or registration during such reasonable time as may be necessary to allow him to obtain a store 40 license from or to register with the local authority, so that he otherwise conform with the provisions of this Act.

Sale of Gunpowder.

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30. Gunpowder shall not be hawked, sold, or exposed for sale upon any highway, street, public thoroughfare, or public place.

Restriction
on sale of
gunpowder
in highways,
&c.

If any gunpowder is hawked, sold, or exposed for sale in contra-
5 vention of this section—

(1.) The person hawking, selling, or exposing for sale the same,
shall be liable to a penalty not exceeding forty shillings;
and

(2.) All or any part of the gunpowder which is so hawked or
10 exposed for sale, or is found in the possession of any person
convicted under this section, may be forfeited.

31. All gunpowder exceeding one pound in weight, when pub-
licly exposed for sale or sold, shall be in a substantial case, bag,
canister, or other receptacle made and closed so as to prevent the
15 gunpowder from escaping, and (except when the same is sold to
any person employed by or on the property occupied by the vendor
for immediate use in the service of the vendor or on such property,)
the outermost receptacle containing such gunpowder shall have
affixed the word “gunpowder” in conspicuous characters by means
20 of a brand or securely attached label, or other mark.

Sale of gun-
powder in
closed
packages
labelled.

If any gunpowder is sold or exposed for sale in contravention of
this section—

1. The person selling or exposing for sale the same shall be
liable to a penalty not exceeding forty shillings; and
- 25 2. All or any part of the gunpowder so exposed for sale may be
forfeited.

Conveyance of Gunpowder.

32. The following general rules shall be observed with respect
to the packing of gunpowder for conveyance :

General
rules as to
packing of
gunpowder.

- 30 1. The gunpowder, if not exceeding five pounds in amount, shall
be contained in a substantial case, bag, canister, or other
receptacle, made and closed so as to prevent the gunpowder
from escaping ; and
- 35 2. The gunpowder if exceeding five pounds in amount shall be
contained either in a single package or a double package. A
single package must consist of a box, barrel, or case of such
strength, construction, and character as may be for the time
being approved by the Government inspector as being of
such strength, construction, and character that it will not
40 be broken or accidentally opened, or become defective or in-
secure whilst being conveyed, and will not allow the gun-

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powder to escape. If the gunpowder is packed in a double package the inner package shall be a substantial case, bag, canister, or other receptacle made and closed so as to prevent the gunpowder from escaping, and the outer package shall be a box, barrel, or case of wood or metal or other solid material, and shall be of such strength, construction, and character that it will not be broken or accidentally opened, or become defective or insecure whilst being conveyed, and will not allow the gunpowder to escape; and

3. The interior of every package, whether single or double, shall be kept free from grit and otherwise clean; and
4. Every package, whether single or double, when actually used for the package of gunpowder, shall not be used for any other purpose; and
5. There shall not be any iron or steel in the construction of any such single package or inner or outer package, unless the same is effectually covered with tin, zinc, or other material; and
6. The amount of gunpowder in any single package, or if there is a double package in any one outer package shall not exceed one hundred pounds, except with the consent and under conditions approved by a Government inspector; and
7. On the outermost package there shall be affixed the word "gunpowder" in conspicuous characters by means of a brand or securely attached label or other mark.

In the event of any breach (by any act or default) of any general rule in this section, the gunpowder in respect of which the breach is committed may be forfeited, and the person guilty of such breach shall be liable to a penalty not exceeding twenty pounds.

The Secretary of State may from time to time make, and when made repeal, alter, and add to rules for the purpose of rescinding, altering, or adding to the general rules contained in this section, and the rules so made by the Secretary of State shall have the same effect as if they were enacted in this section.

Byelaws by
harbour
authority
as to convey-
ance, load-
ing, &c. of
gunpowder.

33. Every harbour authority shall, with the sanction of the Board of Trade, make byelaws for regulating the conveyance, loading, and unloading of gunpowder within the jurisdiction of the said authority, and in particular for declaring or regulating all or any of the following matters within the jurisdiction of the said authority; namely,

1. Determining the notice to be given by ships and boats conveying, loading, or unloading gunpowder as merchandise within the said jurisdiction; and

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2. Regulating the navigation and place of mooring of such ships and boats; and
3. Regulating subject to the general rules with respect to packing in this Act contained, the mode of stowing and keeping
5 gunpowder for conveyance, and of giving notice by brands, labels, or otherwise of the nature of the package containing the gunpowder; and
4. Regulating the description, construction, fitting up and licensing of the ships, boats, or carriages to be used for the
10 conveyance of gunpowder, and the licensing and dress of the persons having charge thereof; and
5. Regulating the safe stowage and safe keeping of any gunpowder on board any such ship or boat, and prohibiting or subjecting to conditions and restrictions the conveyance of gunpowder
15 with any explosive or any articles or substances, or in passenger ships, boats, or carriages; and
6. Prohibiting in cases where the loading or unloading of gunpowder within the jurisdiction of such authority appears to be specially dangerous to the public, such loading or unloading and fixing the places and times at which the gunpowder is to be loaded or unloaded, and the quantity to be loaded or unloaded or conveyed at one time or in one ship, boat, or carriage; and
7. Regulating the mode of and the precautions to be observed in conveying any gunpowder, and in the loading or unloading any ship, boat, or carriage conveying gunpowder as merchandise, and the time during which gunpowder may be kept during such conveyance, loading, or unloading; and
8. Fixing the times at which lights or fires are to be allowed or not allowed on board such ships or boats, as before mentioned, or at which a constable or officer of the harbour authority is to be on board them; and
9. Providing for the publication and supply of copies of the byelaws; and
- 35 10. Enforcing the observance of this Act both by their own servants and agents and also by other persons when within the said jurisdiction; and
11. Generally for protecting, whether by means similar to those above mentioned or not, persons and property from danger.
- 40 The penalties to be annexed to any breach or attempt to commit any breach of any such byelaws may be all or any of the following penalties, and may be imposed on such persons and graduated in such manner as may be deemed just according to the gravity of

A.D. 1875. the offence and according as it may be a first or second or other subsequent offence, that is to say, pecuniary penalties not exceeding twenty pounds for each offence, and ten pounds for each day during which the offence continues, and forfeiture of all or any part of the gunpowder in respect of which, or found in the ship, boat, or carriage 5 in respect of which, the breach of byelaw has taken place.

In the event of any breach of a byelaw under this section in the case of any ship, boat, carriage, or gunpowder, whether there has or has not been any conviction for such breach, it shall be lawful for the harbour-master, or other officer named in the byelaws, or 10 any person acting under the orders of the harbour authority, to cause such ship, boat, carriage, or gunpowder, at the expense of the owner thereof, to be removed to such place or otherwise dealt with in such manner as may be in conformity with the byelaws, and all expenses incurred in such removal may be recovered in the same 15 manner as a penalty under this section, and any person resisting such harbour-master or officer or other person in such removal shall be liable to the same penalties as a person is liable to for obstructing the harbour-master in the execution of his duty.

On any part of the coast of the United Kingdom or in any tidal 20 water for which there is no harbour authority, the Board of Trade may, if they think it expedient, make byelaws under this section for that part or water as if it were a harbour and they were the harbour authority, and such byelaws shall be deemed to have been made by a harbour authority with the sanction of the Board 25 of Trade; and they may by such byelaws define the area within which such byelaws are to be observed, and the authorities and officers by whom such byelaws are to be enforced and carried into effect within such area, and every such authority and officer shall for the purposes of this Act, other than making byelaws or as- 30 senting to a site for a new factory or magazine, have the same power within the said area as a harbour authority and an officer of a harbour authority have respectively under this Act in a harbour.

Byelaws
by railway
and canal
company as
to con-
veyance,
loading, &c.
of gunpow-
der.

34. Every railway company and every canal company over whose 35 railway or canal any gunpowder is carried, or intended to be carried, shall, with the sanction of the Board of Trade, make byelaws for regulating the conveyance, loading, and unloading of such gunpowder on the railway or canal of the company making the byelaws, and in particular for declaring and regulating all 40 or any of the following matters in the case of such railway or canal; that is to say,

1. Determining the notice to be given of the intention to send gunpowder for conveyance as merchandise on the railway or canal; and

2. Regulating, subject to the general rules with respect to packing in this Act contained, the mode of stowing and keeping gunpowder for conveyance and of giving notice by brands, labels, or otherwise of the nature of the package containing the gunpowder ; and
3. Regulating the description and construction of carriages, ships, or boats to be used in the conveyance of gunpowder ; and
4. Prohibiting or subjecting to conditions and restrictions the conveyance of gunpowder with any explosive, or with any articles or substances, or in passenger carriages, ships, or boats ; and
5. Fixing the places and times at which the gunpowder is to be loaded or unloaded, and the quantity to be loaded or unloaded or conveyed at one time, or in one carriage, ship, or boat ; and
6. Determining the precautions to be observed in conveying gunpowder, and in loading and unloading the carriages, ships, and boats used in such conveyance, and the time during which the gunpowder may be kept during such conveyance, loading, and unloading ; and
7. Providing for the publication and supply of copies of the byelaws ; and
8. Enforcing the observance of this Act both by their servants and agents and also by other persons when on the canal or railway of such company ; and
9. Generally for protecting, whether by means similar to those above mentioned or not, persons and property from danger.

Such byelaws, when confirmed by the Board of Trade, shall apply to the railway, canal, agents, and servants of the company making the same, and to the persons using such railway or canal, or the premises connected therewith and occupied by or under the control of such company.

The penalties to be annexed to any breach or attempt to commit any breach of any such byelaws may be all or any of the following penalties, and may be imposed on such persons and graduated in such manner as may be deemed just, according to the gravity of the offence, and according as it may be a first, second, or other subsequent offence ; that is to say, pecuniary penalties not exceeding twenty pounds for each offence, and ten pounds for each day during which the offence continues, and forfeiture of all or any part of the gunpowder in respect of which, or being in the carriage, ship, or boat or train of carriages, ships, or boats in respect of which the breach of byelaw has taken place.

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Byelaws as
to wharves
in which gun-
powder is
loaded or un-
loaded.

35. The occupier of every wharf on which gunpowder is loaded or unloaded (if such loading or unloading is not otherwise subject to any byelaws under this Act) may, and if so required by the Secretary of State shall, from time to time with the sanction of the Secretary of State, make byelaws for regulating the loading and 5 unloading of gunpowder on such wharf, and in particular for declaring or regulating all or any of the matters which can be declared or regulated in the case of any wharf within the jurisdiction of a harbour authority by byelaws made by such authority in pursuance of this Act. 10

The penalties to be annexed to any breach, or attempt to commit any breach, of any such byelaws may be all or any of the following penalties, and may be imposed on such persons and graduated in such manner as may be deemed just according to the gravity of the offence, and according as it may be a first or second or other sub- 15 sequent offence, that is to say, pecuniary penalties not exceeding twenty pounds for each offence, and ten pounds for each day during which the offence continues, and forfeiture of all or any part of the gunpowder in respect of which, or found on the wharf in respect of which, the breach of byelaw has taken place. 20

Any byelaws made in pursuance of this section may, and if required by the Secretary of State shall, be rescinded, altered, or added to by byelaws made by the occupier with the sanction of the Secretary of State.

If an occupier is required by the Secretary of State to make 25 byelaws under this section for any matter, and fail within three months after such requisition to comply therewith to the satisfaction of the Secretary of State, the Secretary of State may make such byelaws, which shall have effect as if made by the occupier with the sanction of the Secretary of State. 30

Where by reason of a wharf being a public wharf or otherwise, there is no occupier thereof, or the occupier thereof is unknown, the Secretary of State may make byelaws with respect to such wharf in like manner as if the occupier had failed to comply with his requisition: Provided that where such wharf abuts on any 35 harbour, canal, or railway, the harbour authority or canal or railway company shall have the same power, and if so required by the Secretary of State, shall be under the same obligation to make byelaws under this section for such wharf as if they were the occupiers thereof. 40

Byelaws as
to convey-
ance by road

36. The Secretary of State may from time to time make, and when made, rescind, alter, or add to, byelaws for regulating the con-

veyance, loading, and unloading of gunpowder in any case in which byelaws made under any other provision of this Act do not apply, and in particular for declaring or regulating all or any of following matters; that is to say,

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or other-
wise, or load-
ing of gun-
powder.

- 5 1. Regulating the description and construction of carriages to be used in the conveyance of gunpowder as merchandise; and
2. Prohibiting or subjecting to conditions and restrictions the conveyance of gunpowder with any explosive, or with any articles or substances, or in passenger carriages; and
- 10 3. Fixing the places and times at which the gunpowder is to be loaded or unloaded, and the quantity to be loaded or unloaded or conveyed at one time or in one carriage; and
4. Determining the precautions to be observed in conveying gunpowder, and in loading and unloading the carriages used
- 15 in such conveyance, and the time during which the gunpowder may be kept during such conveyance, loading and unloading; and
5. Providing for the publication and supply of copies of the byelaws; and
- 20 6. Generally for protecting, whether by means similar to those above mentioned or not, persons or property from danger.
7. Adapting on good cause being shown the byelaws in force under this section to the circumstances of any particular locality:
- 25 The penalties to be annexed to any breach, or attempt to commit any breach, of any such byelaws may be all or any of the following penalties, and may be imposed on such persons and graduated in such manner as may be deemed just, according to the gravity of the offence, and according as it may be a first, second, or other
- 30 subsequent offence; that is to say, pecuniary penalties not exceeding twenty pounds for each offence, and ten pounds for each day during which the breach continues, and forfeiture of all or any part of the gunpowder in respect of which, or being in the carriage in respect of which, the breach of byelaw has taken place.
- 35 For the purpose of any mode of conveyance which is not a conveyance by land this section shall be construed as if ship or boat were included in the term carriage.

37. Any recommendation to Her Majesty in Council, any general rules with respect to packing, and any byelaws which is or are proposed to be made under this Act by a Secretary of State or the Board of Trade shall, before being so made, be published in such manner as the Secretary of State or the Board of Trade, as the case

Confirmation
and publica-
tion of bye-
laws.

See 34 & 35
Vict. c. 105.
s. 4.

A.D. 1875. may be, may direct as being in his or their opinion sufficient for giving information thereof to all local authorities, corporations, and persons interested.

The byelaws framed by any railway company, canal company, or harbour authority under this Act shall, before being sanctioned by the Board of Trade, be published in such manner as may be directed by the Board of Trade, with a notice of the intention of such company or authority to apply for the confirmation thereof, and may be sanctioned by the Board of Trade with or without any omission, addition, or alteration, or may be disallowed. 10

Every such byelaw may be from time to time added to, altered, or rescinded by a byelaw made in like manner and with the like sanction as the original byelaw.

The Secretary of State or the Board of Trade, as the case may be, shall receive and consider any objections or suggestions made by any local authority, corporation, or persons interested with respect to any recommendation, general rules, or byelaws published in pursuance of this section, and may, if it seem fit, amend such recommendation, general rules, or byelaws with a view of meeting such objections or suggestions without again publishing the same. 15 20

PART II.

LAW RELATING TO OTHER EXPLOSIVES.

Application of Part I. to other Explosives.

Part I.
relating to
gunpowder
applied
to other
explosives.

38. Subject to the provisions hereafter in this part of this Act contained, Part One of this Act relating to gunpowder shall apply to every other description of explosive, in like manner as if those provisions were herein re-enacted with the substitution of that description of explosive for gunpowder. 25

Modification
of Part I. as
applied to
explosives
other than
gunpowder.

39. The following modifications and additions shall be made in and to Part One of this Act as applied to explosives other than gunpowder : 30

- (1.) The draft license for a factory or magazine submitted by an applicant to the Secretary of State shall specify such particulars as the Secretary of State may require ; and
- (2.) The prescribed general rules shall be substituted for the general rules in Part One of this Act relating to factories, magazines, stores, and registered premises respectively ; but no such general rule shall require the removal of any building or work existing at the date of the Order in Council by which such rule is made ; 35 40

(3.) The Secretary of State may from time to time alter the general rules relating to packing contained in Part One of this Act for the purpose of adapting the same to the packing of any explosive other than gunpowder; and

5 (4.) For the maximum amount limited by Part One of this Act to be kept for private use and not for sale, or in a store, and for the minimum amount limited by Part One of this Act to be sold otherwise than in a substantial case, box, canister, or other receptacle as therein mentioned, there shall be substituted in the case of explosives other than gunpowder the following amounts; namely,

10 (a.) Where such explosive consists of safety cartridges made with gunpowder, an amount containing not more than five times the maximum or minimum amount of gunpowder, as the case may be, above mentioned; and

15 (b.) In the case of any other explosive, the prescribed amount; and

20 (5.) Two or more descriptions of explosives shall not be kept in the same store, or registered premises, except such descriptions as may be prescribed in that behalf; and, when so kept, shall be kept subject to the prescribed conditions and restrictions; and

25 (6.) Where any explosive, other than gunpowder, is allowed to be kept in the same store or registered premises with gunpowder, the maximum amount of gunpowder to be kept therein shall be the prescribed amount in lieu of the amount fixed by Part One of this Act; and

30 (7.) There shall be on the outermost package containing the explosive in lieu of the word "gunpowder" the name of the explosive, with the addition of the word "explosive," and if such name is materially false the person selling or exposing for sale such explosive, and also the owner of the explosive, shall be liable to a penalty not exceeding fifty pounds:

35 (8.) With respect to the importation from any place out of the United Kingdom of either dynamite or guncotton, or any explosive (other than gunpowder, cartridges made with gunpowder, percussion caps, fireworks, and any prescribed explosive), the following provisions shall have effect; that is to say,

40 (a.) The owner and master of any ship having on board any such explosive shall not permit the same to be unloaded and delivered to any person who does not

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hold a license to import the same (in this Act called an importation license) from the Secretary of State, and any transshipment shall for the purpose of this section be deemed to be delivery ; and

(b.) The Secretary of State may grant an importation 5 license for any such explosive, and may annex thereto any prohibitions and restrictions with respect to the composition and quality of the explosive, and the unloading, landing, delivery, and conveyance thereof, and such further provisions and restrictions as he may think fit 10 for the protection of the public from danger ; and

(c.) The license shall be of such duration as the Secretary of State may fix, and shall be available only for the person named in the license ; and

(d.) In the event of any breach by any act or default 15 of the provisions of this section with respect to the importation of an explosive, or of the provisions of any importation license, all or any part of the explosive with respect to which such breach is committed, or being in any ship or boat in connexion with which such breach 20 is committed, may be forfeited, and the owner and master of such ship or boat, and the licensee or person to whom the explosive is delivered, shall each be liable to a penalty not exceeding one hundred pounds, and to a further penalty not exceeding two shillings for every 25 pound of such explosive ; and

(e.) The Commissioners of Customs shall have the same power with respect to any such explosive as they have for the time being with respect to any article on the importation of which restrictions are for the time 30 being imposed by the law relating to the Customs, and the enactments for the time being in force relating to the Customs or any such article shall apply accordingly.

Exemption
of making
and carrying
safety car-
tridges for
private use.
Extension of
18 & 19 Vict.
c. 119. s. 29.,
and
36 & 37 Vict.
c. 85. ss. 23-
27. to all
explosives.

40. Nothing in this Act shall apply to the filling or conveying, for private use and not for sale, of any safety cartridges to the 35 amount allowed by this Act to be kept for private use.

41. Section twenty-nine of the Passengers Act, 1855, and sections twenty-three to twenty-seven, both inclusive, of the Merchant Shipping Act, 1873, shall apply to every explosive within the meaning of this Act in like manner as they apply to gunpowder. 40

Specially dangerous Explosives.

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Power to prohibit manufacture, importation, storage, and carriage of specially dangerous explosives.

42. Notwithstanding anything in this Act, Her Majesty from time to time, by Order in Council, may prohibit, either absolutely, or except in pursuance of a license of the Secretary of State under this Act, or may subject to conditions or restrictions the manufacture, keeping, importation from any place out of the United Kingdom, conveyance and sale, or any of them, of any explosive which is of so dangerous a character that, in the judgment of Her Majesty, it is expedient for the public safety to make such Order :
- 10 Provided that such Order shall not absolutely prohibit anything which may be lawfully done in pursuance of any continuing certificate under this Act.

- Any explosive manufactured or kept in contravention of any such Order shall be deemed to be manufactured or kept, as the case may be, in an unauthorised place.

Any explosive conveyed in contravention of any such Order shall be deemed to be conveyed in contravention of a byelaw made under this Act with respect to the conveyance of explosives.

- If any explosive is imported or sold in contravention of any such Order,—

1. All or any part of such explosive may be forfeited ; and,
2. The owner or master of the ship in which it was imported shall be liable to a penalty not exceeding ten shillings for every pound of such explosive brought in the ship ; and,
- 25 3. The person to whom it was delivered and the person selling the same shall be liable to a penalty not exceeding ten shillings for every pound of such explosive delivered or sold or found in his possession.

- The Commissioners of Customs and their officers shall have the same power with respect to any such explosive, and the ship conveying the same, as they have for the time being with respect to any article prohibited to be imported by the law relating to the Customs, and the enactments for the time being in force relating to the Customs and any such article shall apply accordingly.

35 *Provisions in favour of certain Manufacturers and Dealers.*

43. The occupier of a factory for any explosive shall not be required by this Act to take out a factory license for making up on such factory the explosive made thereon into cartridges or charges for cannon or blasting not containing within themselves their own means of ignition.

Provision in favour of makers, &c. of blasting cartridges.

A.D. 1875. The occupier of any magazine, store, or registered premises for keeping any explosive may keep that explosive when made up into such cartridges or charges as above in this section mentioned, as if it were not so made up, and the provisions of this Act with respect to the keeping of any explosive shall apply to the keeping of that 5 explosive when made up into the said cartridges or charges, in like manner as if the explosive were not so made up.

Provision in favour of makers of new explosive for experiment.

44. The occupier of a factory for any explosive who manufactures a new explosive or new form of explosive similar to the one specified in his license, shall not be deemed to have manufactured 10 the same in an unauthorised place if he manufacture the same on a small scale, and exclusively for the purpose of trial and not for sale, and he send notice of the same, as soon as he has manufactured it, to the Secretary of State, and if he observe the provisions of this Act, so far as they are applicable. 15

Provision in favour of gunmakers, &c. making cartridges.

45. The occupier of a magazine, store, or registered premises for any explosive shall not be required by this Act to take out a factory license by reason that in connexion with such magazine, store, or premises he fills for sale or otherwise any cartridge for small arms with the said explosive, so that he observe the following 20 regulations; namely,

- (1.) There shall not be in the room in which such filling is being carried on more than five pounds of gunpowder, or the prescribed amount of any other explosive, except it is made up into safety cartridges; and 25
- (2.) Any work unconnected with the making of the cartridges shall not be carried on in the room while such filling is being carried on; and
- (3.) There shall not be in the room while such filling is being carried on any fire nor any artificial light, except a light 30 of such construction, position, or character as not to cause any danger of fire or explosion; and
- (4.) In the case of a magazine or store, the room in which the filling is carried on shall be detached from the magazine or store, but in the immediate neighbourhood thereof, and 35 at such distance therefrom as may be specified in the case of a magazine by the license, and in the case of a store by an Order in Council relating to stores; and
- (5.) The occupier shall give notice in the case of a magazine to the Secretary of State, and in the case of a store or registered 40

premises to the local authority, that he intends to carry on such filling of cartridges as is allowed by this section. A.D. 1875.

Provided that this section shall not, except with the consent of the Secretary of State, apply to any magazine or store for which a continuing certificate has been obtained under this Act, which consent the Secretary of State, if satisfied that the filling of cartridges in accordance with this section ought (due regard being had to the safety of the public) to be allowed, may grant either absolutely or upon such conditions as he may, under the special circumstances of the case, think expedient to secure the safety of the public.

The regulations in this section and any conditions so made by the Secretary of State as last aforesaid, shall be deemed to be general rules under this Act relating to the magazine, store, and registered premises respectively, and the breach of them shall be punished accordingly.

46. The occupier of any magazine or store for any explosive shall not be required by this Act to take out a factory license by reason that in connexion with such magazine or store, he, by filling cartridges, making charges, drying, sifting, fitting, or otherwise, adapts or prepares the said explosive for use exclusively in his mine or quarry, or in some excavation or work carried on by him or under his control, so that he observe the following regulations; namely,

Provision in favour of owners of mines and quarries, as to making charges, &c. for blasting.

(1.) There shall not be in the workshop in which such adaptation or preparation is carried on more than one hundred pounds of gunpowder or the prescribed amount of any other explosive; and

(2.) Any work unconnected with such adaptation or preparation shall not be carried on in the said workshop while such adaptation or preparation is being carried on; and

(3.) The said workshop shall be detached from the magazine or store, but in the immediate neighbourhood thereof, and at such distance therefrom as may be specified, in the case of a magazine by the license, and in the case of a store by an Order in Council relating to stores; and

(4.) An explosive of one description shall not be converted into an explosive of another description, and shall not be unmade or resolved into its ingredients; and

(5.) The occupier shall give notice in the case of a magazine to the Secretary of State, and in the case of a store to the local authority, that he intends to carry on such adaptation or preparation as is allowed by this section.

A.D. 1875. Provided that this section shall not, except with the consent of the Secretary of State, apply to any magazine or store for which a continuing certificate has been obtained under this Act, which consent the Secretary of State, if satisfied that the adaptation or preparation in accordance with this section ought (due regard being had to the safety of the public) to be allowed, may grant either absolutely or upon such conditions as he may; under the special circumstances of the case, think expedient to secure the safety of the public.

The regulations in this section, and any conditions so made by the Secretary of State as last aforesaid, shall be deemed to be general rules under this Act relating to the magazine and store respectively, and the breach of them shall be punished accordingly.

The following general rules shall apply as if the said workshop were a danger building, that is to say, if the adaptation or preparation carried on is of gunpowder only, the general rules with respect to a factory in Part One of this Act, and in any other case the prescribed general rules; and the breach of such general rules shall be punished in like manner as the breach of general rules with respect to a factory.

Provision in favour of small fire-work manufacturer who may obtain a license from the local authority.

47. A firework factory shall not be deemed to be a small firework factory for the purposes of this Act if there is upon the same factory at the same time—

- (a.) More than one hundred pounds of any explosive other than manufactured fireworks and coloured fires and stars; or
- (b.) More than five hundred pounds of manufactured fireworks, either finished or partly finished; or
- (c.) More than twenty-five pounds of coloured fires or stars, not made up into manufactured fireworks.

The occupier of a small firework factory shall not be required to obtain a license under Part One of this Act for such factory if he has obtained a license from the local authority under this part of this Act.

A person having such license from the local authority who manufactures an explosive (other than nitro-glycerine or any prescribed explosive) for the purpose only of the manufacture of coloured fires or a manufactured firework in accordance with this Act, and does not sell the same except in the form of coloured fires packed in the manner required by this Act, or of a manufactured firework, shall not be deemed to manufacture an explosive in an unauthorised place.

48. Any person may apply for a small firework factory license to the local authority at the time and place appointed by such authority, stating his name, address, and calling, and the proposed site and construction of the factory, and the amount and description of explosive he proposes to have therein, and in any building therein; and the local authority shall, as soon as practicable, if the proposed site, construction of the factory, and amount of explosive is in accordance with the Order in Council regulating small firework factories, grant to the applicant, on payment of such fee, not exceeding five shillings, as may be fixed by that authority, the license applied for.

A.D. 1875.

Licensing by local authority and regulation of small firework factories.

The powers of this Act of making Orders in Council with respect to stores and of prescribing general rules with respect to stores shall extend to making Orders in Council and prescribing general rules with respect to small firework factories and the buildings thereon; and any breach (by any act or default) of any such general rule, shall involve the same penalties and forfeitures as a breach of a general rule relating to stores.

A small firework factory license shall be valid only for the person named in it, and the provisions of this Act with respect to the renewal, expiration, and form of store licenses, and fees for such renewal, and to special rules for the regulation of persons managing or employed in or about stores, shall apply in like manner as if they were herein enacted, and in terms made applicable to small firework factory licenses and small firework factories respectively.

49. A person shall not be required by this Act to take out a license or to register any premises for the keeping of percussion caps, safety-fuzes for blasting, fog-signals kept by any railway company for use on the railway of such company, or any prescribed explosive. It shall not be obligatory on any harbour authority, railway company, canal company, or occupier of a wharf, to make any byelaws with respect to the conveyance, loading, or unloading of any explosives to which this section applies.

Keeping without a license and conveyance of percussion caps, &c.

It shall be lawful for Her Majesty, by Order in Council, to exempt any explosive to which this section applies, or any description thereof, from any other of the provisions of this Act, or to declare that a license shall be required for the keeping of any explosive to which this section applies, or any description thereof, or that byelaws shall be made with respect to the loading, unloading, and conveyance thereof.

A.D. 1875.

Existing Factories, Magazines, and Stores.

Application
of Part I. of
the Act to
existing
factories and
magazines.

50. In any continuing certificate for a lawfully existing factory or magazine for any explosive other than gunpowder, the regulations set out in the first schedule to this Act shall not form part of the terms of such certificate, but in lieu thereof the Secretary of State shall insert in the certificate as the terms thereof,—

- (1.) If the factory or magazine is for dynamite or any substance having nitro-glycerine as one of its component parts or ingredients, the conditions contained in the existing license, with such modifications (if any) as the Secretary of State may think necessary in order to bring the same into conformity with this Act, and also any limitation of time for the expiration of the license contained in the existing license, and also the existing power of the Secretary of State to revoke the license; and,
- (2.) In any other case, such terms as the Secretary of State may think expedient, having regard to the conditions (if any) contained in the license under which the factory or magazine is established; and such terms shall include any limitation of time contained in such license, but shall not require the removal of any lawfully existing building or work.

If a new license under this Act is obtained for keeping in an existing gunpowder store any explosive other than gunpowder, the continuing certificate of such store shall be determined, and the store shall cease to be deemed to be an existing gunpowder store within the meaning of this Act.

Continuing
certificate
not required
for factory,
magazine, or
importation
license
expiring
within 12
months, or
for stores
licensed
under Nitro-
glycerine
Act, 1869.

51. Where the existing license of a factory or magazine for any explosive other than gunpowder will expire within twelve months after the commencement of this Act, the occupier of such factory or magazine shall not require a continuing certificate under this Act, but until such license expires shall be entitled to use such factory or magazine in like manner as if this Act had not passed, without prejudice nevertheless to any application by him for a license under this Act for such factory or magazine, but after a license under this Act is obtained for the same, or after the expiration of the existing license, such factory or magazine shall not be deemed to be a lawfully existing factory or magazine within the meaning of this Act.

The occupier of any magazine licensed at the time of the passing of this Act by a general magazine license under the Nitro-glycerine

A.D. 1875.

- Act, 1869, shall not require a continuing certificate under this Act, but until the expiration of six months after the commencement of this Act shall be entitled to use such magazine in like manner as if this Act had not passed, without prejudice nevertheless to a license
- 5 under this Act being obtained for the same; but after a license under this Act is obtained for the same, or after the expiration of the said six months, such license shall determine, and such magazine shall not be deemed to be a lawfully existing magazine or store within the meaning of this Act.
- 10 The holder of any existing importation license under the Nitro-glycerine Act, 1869, shall, until the expiration of six months after the commencement of this Act, be entitled to act under such license in like manner as if this Act had not passed, without prejudice nevertheless to any application by him for an importation
- 15 license under this Act; but after such license under this Act is obtained, or after the expiration of the said six months, such existing license shall determine.

PART III.

ADMINISTRATION OF LAW.

20

Government Supervision.

Inspection.

52. The Secretary of State may from time to time by order appoint any fit persons to be inspectors for the purposes of this Act, and assign them their duties, and award them such salaries as
- 25 the Commissioners of Her Majesty's Treasury may approve, and remove such inspectors, and any such inspector is referred to in this Act as a Government inspector.

Appointment
of Govern-
ment inspec-
tors.

Every order appointing an inspector shall be published in the London Gazette.

- 30 53. Any person who practises or acts, or is a partner with any person who practises or acts, as a manufacturer, storer, carrier, importer or exporter of or trader or dealer in an explosive, or holds any patent connected with an explosive, or is otherwise directly or indirectly engaged or interested in any such manu-
- 35 facture, storage, conveyance, importation, exportation, trade, dealing, or patent, shall not act as an inspector under this Act.

Disqualifica-
tion of per-
sons as in-
spectors.

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Powers of
Government
inspectors.
See

23 & 24 Vict.
c. 139. s. 17.
34 & 35 Vict.
c. 78. s. 4.
35 & 36 Vict.
c. 76. s. 45.

54. A Government inspector shall have power to make such examination and inquiry as may be necessary to ascertain whether this Act is complied with, and for that purpose,—

- (1.) He may enter, inspect, and examine any factory, magazine, or store of any explosive, and every part thereof, at all 5 times by day and night, but so as not to unnecessarily impede or obstruct the work in such factory, magazine, or store, and may make inquiries as to the observance of this Act and all matters and things relating to the safety of the public or of the persons employed in or about such 10 factory, magazine, or store; and,
- (2.) He may enter, inspect, and examine any premises registered under this Act, and every part thereof, in which any explosive is kept, or is reasonably supposed by him to be kept, at all reasonable times by day; and, 15
- (3.) He may require the occupier of any factory, magazine, store, or premises which he is entitled, under this section, to enter, or a person employed by such occupier therein to give him samples of any explosive, or ingredients of an explosive therein, or of any substance therein, the 20 keeping of which is restricted or regulated by this Act, or of any substance therein which the inspector believes to be an explosive, or such ingredients or substance.

The occupier of every such factory, magazine, store, and registered premises, his agents and servants, shall furnish the means required 25 by the inspector as necessary for every such entry, inspection, examination, and inquiry.

Any person who fails to permit a Government inspector to enter, inspect, examine, or make inquiries in pursuance of this section, or to comply with any requisition of such inspector in pursuance of 30 this section, or who in any manner obstructs such inspector in the execution of his duties under this Act, shall be liable to a penalty not exceeding one hundred pounds for each offence.

Notice by
Government
inspector to
remedy
dangerous
practices, &c.
and penalty
for non-com-
pliance.
See
35 & 36 Vict.
c. 76. s. 46.

55. If in any matter (which is not provided for by any express provision of this Act) an inspector find any factory, magazine, or 35 store for an explosive, or any part thereof, or any thing or practice therein or connected therewith, to be unnecessarily dangerous or defective, so as in his opinion to tend to endanger the public safety or the bodily safety of any person, such inspector may require the occupier of such factory, magazine, or store, to remedy 40 the same.

Where the occupier objects to comply with the requisition he may require the matter to be referred to arbitration in manner provided by this Act. A.D. 1875.

No person shall be precluded by any contract from doing such acts as may be necessary to comply with a requisition or award under this section; and no person shall be liable under any contract to any penalty or forfeiture for doing those acts if he gave notice of such contract to the inspector at or before the time at which the inspector made the requisition or to the arbitrators before the award was made.

If the occupier fail to comply with the requisition or award within twenty days after the expiration of the time for requiring the matter to be referred to arbitration if there is no reference to arbitration, or if there is such a reference after the date of the award, he shall be liable to a penalty not exceeding twenty pounds for every day during which he so fails to comply.

Provided that the court, if satisfied that the occupier has taken active measures for complying with the requisition or award, but has not, with reasonable diligence, been able to complete the works, may adjourn any proceedings taken before them for punishing such failure, and if the works are completed within a reasonable time in the opinion of the court, no penalty shall be inflicted.

56. A report of the proceedings under this Act shall be made annually to the Secretary of State, by such inspectors and in such manner and form as may be directed by him, and shall be laid before both Houses of Parliament. Annual report of Government inspectors proceedings.

57. The Board of Trade may from time to time, by order, direct— Inspection by railway inspectors or inspectors of Board of Trade.

(a.) Any person acting under the Board as an inspector of railways to inquire into the observance of this Act by any railway company or canal company, and generally to act with respect to any railway or canal as an inspector under this Act; or

(b.) Any person acting under the Board as an inspector or otherwise for the purposes of the Merchant Shipping Act, 1854, or the Acts amending the same, to inquire into the observance of this Act in any harbour or in the case of any ship, and generally to act in such harbour and with respect to ships as an inspector under this Act.

The Board of Trade may revoke any such order; and each such inspector shall, while such order is in force, have for that purpose the same powers and authorities as he has under the Acts in pur-

A.D. 1875. suance of which he was originally appointed inspector, and also the powers and authorities of a Government inspector under this Act.

Application of 35 & 36 Vict. c. 76. and c. 77. to magazines used for mines.

58. Where a magazine or store is established for the purpose of any mine subject to the Coal Mines Regulation Act, 1872, or 5 the Metalliferous Mines Regulation Act, 1872, by the owner (as defined by such Act) of the mine, the Secretary of State may from time to time by order direct an inspector under either of those Acts to act with respect to such magazine or store as a Government 10 inspector under this Act, and may revoke any such order; and such inspector shall, while such order is in force, have for that purpose the same powers and authorities as he has under the said Acts, and also the powers and authorities of a Government inspector under this Act.

License and special rules certified by Government inspector to be evidence. 35 & 36 Vict c. 76. s. 59.

59. A copy of any license confirmed by the Secretary of State under this Act, and of any special rules under this Act, certified 15 by a Government inspector, shall be evidence of such license and special rules respectively, and of the fact of such license having been duly granted and confirmed and such special rules duly established under this Act.

Keeping and carriage of samples by Government inspector.

60. A Government inspector, and any other person authorised by 20 him for the purpose, may keep and convey any sample taken for the purposes of this Act by or by authority of such inspector, so that the amount of it do not exceed what is reasonably necessary for the purpose of enabling such inspector to perform his duties under this Act, and be kept and carried with all due precautions 25 to prevent accident; and such inspector or person shall not be liable to any penalty, punishment, or forfeiture under this or any other Act for keeping or conveying such sample.

Salaries of Government inspectors and expenses of Act.

61. The salaries of the Government inspectors, and the expenses incurred by the Secretary of State or the Government inspectors in 30 carrying this Act into execution, shall be defrayed out of moneys provided by Parliament.

Accidents.

Notice to be given of accidents connected with explosive.

62. Whenever there occurs any accident by explosion or by fire in or about or in connexion with any factory, magazine, or store, or any 35 accident by explosion or by fire causing loss of life or personal injury in or about or in connexion with any registered premises, the occupier of such factory, magazine, store, or premises shall forthwith send or cause to be sent notice of such accident and of the loss of life or personal injury (if any) occasioned thereby to the 40

A.D. 1875.

Secretary of State. A notice of any accident of which notice is sent in pursuance of this section to a Government inspector need not be sent to any inspector or sub-inspector of factories or any inspector of mines.

- 5 Where in, about, or in connexion with any carriage, ship, or boat, either conveying an explosive, or on or from which an explosive is being loaded or unloaded, there occurs any accident by explosion or by fire causing loss of life or personal injury, or if the amount of explosive conveyed or being so loaded or unloaded exceeds in the case of gunpowder half a ton, and in the case of any
10 other explosive the prescribed amount, any accident by explosion or by fire, the owner or master of such carriage, ship, or boat, and the owner of the explosive conveyed therein or being loaded or unloaded therefrom, or one of them, shall forthwith send or cause to
15 be sent notice of such accident, and of the loss of life or personal injury if any occasioned thereby, to the Secretary of State.

Every such occupier, owner, or master as aforesaid who fails to comply with this section shall be liable to a penalty not exceeding twenty pounds.

- 20 **63.** Where an accident has occurred in, and wholly or partly destroyed a factory magazine, or any magazine or store, the factory magazine, magazine, or store shall not be reconstructed, and any further supply of an explosive shall not be put therein, except with the written permission of the Secretary of State;
25 and any explosive put therein in contravention of this section shall be deemed to be kept in an unauthorised place, and the offence may be punished accordingly.

Re-construction of buildings destroyed by accident.

- 30 Provided, that this enactment shall not prevent the reconstruction of a factory magazine in any lawfully existing factory upon such site in the factory, and with such precautions as may seem reasonable to the Secretary of State, due regard being had to the working of the factory as well as to the safety of the public and of the persons employed therein.

- 35 Where an accident by explosion or fire in a factory has wholly or partly destroyed any building of such factory as to which a Government inspector has previously to the accident sent to the occupier a notice that the building is unduly near to some building or work outside the factory, such building shall be reconstructed only upon such site in the factory and with such precautions as
40 may seem reasonable to the Secretary of State, due regard being had to the working of the factory as well as to the safety of the public and of the persons employed therein.

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Where an accident by explosion or by fire in a factory has wholly or partly destroyed two or more buildings in such factory, not more than one of such buildings shall be reconstructed except with the written permission of the Secretary of State; provided that this enactment shall not apply to any buildings in a lawfully existing 5 factory, if either both or all such buildings are incorporating mills, or if as regards any other buildings a Government inspector has not previously to the accident sent to the occupier a notice that such buildings are unduly near to each other.

Where a building is constructed on a different site in pursuance 10 of the permission of a Secretary of State under this section, the Secretary of State shall cause the necessary alterations to be made in the license, and such alterations shall be deemed to be part of the license.

The reconstruction of any building in contravention of this section 15 shall be deemed to be a breach of the terms of the license, and shall be punished accordingly.

Provisions as
to coroners
inquests on
deaths from
accidents con-
nected with
explosives.
See
35 & 36 Vict.
c. 76. s. 59.

64. With respect to coroners inquests on the bodies of persons whose death may have been caused by the explosion of any explosive or by any accident in connexion with an explosive, the following 20 provisions shall have effect:

- (1.) Where a coroner holds an inquest upon a body of any person whose death may have been caused by any accident of which notice is required by this Act to be given to the Secretary of State, or by the explosion of any explosive, 25 the coroner shall adjourn such inquest unless a Government inspector, or some person on behalf of the Secretary of State, is present to watch the proceedings:
- (2.) The coroner, at least four days before holding the adjourned inquest, shall send to the Secretary of State notice in 30 writing of the time and place of holding the adjourned inquest:
- (3.) The coroner, before the adjournment, may take evidence to identify the body, and may order the interment thereof:
- (4.) If an explosion or accident has not occasioned the death of 35 more than one person, and the coroner has sent to the Secretary of State notice of the time and place of holding the inquest not less than forty-eight hours before the time of holding the same, it shall not be imperative on him to adjourn such inquest in pursuance of this section, if the 40 majority of the jury think it unnecessary so to adjourn:

(5.) A Government inspector or person employed on behalf of the Secretary of State shall be at liberty at any such inquest to examine any witness, subject nevertheless to the order of the coroner on points of law : A.D. 1875.

5 (6.) Where evidence is given at an inquest at which no Government inspector or person employed on behalf of the Secretary of State, is present of any neglect as having caused or contributed to the explosion or accident, or of
10 any defect in or about or in connexion with any factory, magazine, store, or registered premises, or any carriage, ship, or boat carrying an explosive, appearing to the coroner or jury to require a remedy, the coroner shall
15 send to the Secretary of State notice in writing of such neglect or defect.

15 65. The Secretary of State may direct an inquiry to be made by a Government inspector into the cause of any accident which is caused by an explosion or fire either in connexion with any explosive, or of which notice is required by this Act to be given to the Secretary of State, and where it appears to the Secretary of State,
20 either before or after the commencement of any such inquiry, that a more formal investigation of the accident, and of the causes thereof, and of the circumstances attending the same, is expedient, the Secretary of State may by order direct such investigation to be held, and with respect to such inquiry and investigation the following
25 provisions shall have effect :

Inquiry into accidents and formal investigation in serious cases.
See 34 & 35 Vict. c. 78. ss. 7, 11.

(1.) The Secretary of State may, by the same or any subsequent order, appoint any person or persons possessing legal or special knowledge to assist the Government inspector in holding the formal investigation, or may direct the county
30 court judge, stipendiary magistrate, metropolitan police magistrate, or other person or persons named in the same or any subsequent order, to hold the same with the assistance of a Government inspector or any other assessor or assessors named in the order :

35 (2.) The persons holding any such formal investigation (in this section referred to as the court) shall hold the same in open court in such manner and under such conditions as they may think most effectual for ascertaining the causes and circumstances of the accident, and enabling them to make
40 the report in this section mentioned :

(3.) The court shall have for the purpose of such investigation all the powers of a court of summary jurisdiction when

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acting as a court in hearing informations for offences against this Act, and all the powers of a Government inspector under this Act, and in addition the following powers; namely,

(a.) They may enter and inspect any place or building 5
the entry or inspection whereof appears to them requisite for the said purpose :

(b.) They may by summons under their hands require the attendance of all such persons as they think fit to call before them and examine for the said purpose, and may 10
for such purpose require answers or returns to such inquiries as they think fit to make :

(c.) They may require the production of all books, papers, and documents which they consider important for the said purpose : 15

(d.) They may administer an oath, and require any person examined to make and sign a declaration of the truth of the statements made by him in his examination :

(e.) Persons attending as witnesses before the court shall be allowed such expenses as would be allowed 20
to witnesses attending before a court of record; and in case of dispute as to the amount to be allowed, the same shall be referred by the court to a master of one of the superior courts, who, on request under the hands of the members of the court, shall ascertain and 25
certify the proper amount of such expenses :

(4.) The Government inspector making an inquiry into any accident and the court holding an investigation of any accident under this section shall make a report to the Secretary of State, stating the causes of the accident and 30
all the circumstances attending the same, and any observations thereon or on the evidence or on any matters arising out of the inquiry or investigation which he or they think right to make to the Secretary of State, and the Secretary of State shall cause every such report to be 35
made public in such manner as he thinks expedient :

(5.) All expenses incurred in and about an inquiry or investigation under this section shall be deemed to be part of the expenses of the Secretary of State in carrying this Act 40
into execution : and

(6.) Any person who without reasonable excuse (proof whereof shall lie on him) either fails, after having had the ex-

penses (if any) to which he is entitled tendered to him, to comply with any summons or requisition of a court holding an investigation under this Act, or prevents or impedes such court in the execution of their duty, shall for every such offence incur a penalty not exceeding ten pounds, and in the case of a failure to comply with a requisition for making any return or producing any document, not exceeding ten pounds during every day that such failure continues.

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Local Supervision.

Definition and Powers of Local Authority.

66. The local authority, for the purposes of this Act, shall be—

Definition
of local
authority.

(1.) In the city of London, except as hereafter in this section mentioned, the court of the Lord Mayor and aldermen of the said city; and

(2.) In the metropolis, (that is, in places for the time being within the jurisdiction of the Metropolitan Board of Works under the Metropolis Management Act, 1855,) except the city of London, and except as hereafter in this section mentioned, the Metropolitan Board of Works; and

(3.) In any borough in England which is not assessed to the county rate of any county by the justices of such county, except as hereafter in this section mentioned, the mayor, aldermen, and burgesses acting by the council; and

(4.) In any harbour within the jurisdiction of a harbour authority, whether situate or not within the jurisdiction of any local authority before in this section mentioned, the harbour authority, to the exclusion of any other local authority; and

(5.) In any place in which there is no local authority as before in this section defined, the justices in petty sessions assembled.

67. The council of any borough which is assessed to the county rate of any county by the justices of such county and the commissioners of any Improvement district may by order of a Secretary of State made upon the application of such council or commissioners, and published in the London Gazette, be declared to be a local authority for the purposes of this Act, and thereupon shall become a local authority accordingly for such part of their borough

Power of
certain local
bodies to
become a
local autho-
rity.

A.D. 1875. or district as is not included in any harbour to the exclusion of the justices in petty sessions.

Duty of local authority and power of officer.

34 & 35 Vict. c. 105. ss. 11, 12.

68. It shall be the duty of every local authority to carry into effect within their jurisdiction the powers vested in them under this Act.

5

Any officer authorised by the local authority may, on producing, if demanded, either a copy of his authority purporting to be certified by the clerk or some member of the local authority, or some other sufficient evidence of his authority, require the occupier of any store (not being subject to the inspection under this Act of any inspector of mines) or any registered premises or any small firework factory, to show him every or any place and all or any of the receptacles in which any explosive or ingredient of an explosive, or any substance the keeping of which is restricted or regulated by this Act, that is in his possession is kept, and to give him samples of such explosive ingredient or substance, or of any substance which the officer believes to be an explosive or such ingredient or substance.

10

15

Any occupier of a store or registered premises who refuses to comply with any such requisition of an officer of the local authority, or to give him such assistance as he may require for the purpose of this section, or who wilfully obstructs the local authority, or any officer of the local authority, in the execution of this Act, shall be liable to a penalty not exceeding twenty pounds.

20

Expenses of local authority.

69. All expenses incurred by any local authority in carrying into effect the execution of this Act, including the salary and expenses of any officer directed by them to act under this Act, shall be paid out of the local rate. The local rate shall for the purposes of this Act mean as follows; that is to say,

25

In the city of London the consolidated rate;

30

In the metropolis (exclusive of the city of London) the consolidated rate as levied in the metropolis exclusive of the city of London, and without any demand on such city;

In a borough the borough fund or borough rate;

In a harbour any moneys, fund, or rate applicable or leviable by the harbour authority for any harbour purposes;

35

In any place where the justices in petty sessions are the local authority the county rate; and

In an improvement district any fund, moneys, or rate applicable or leviable by the Improvement Commissioners for any purposes of improvement within their district;

40

And the local rate or any increase of the local rate may notwithstanding any limitation in any Act be levied for the purposes of this Act. A.D. 1875.

Power of Local Authority to provide Carriages and Magazines.

5 70. Every harbour authority and canal company shall, in addition to any other powers they may have for the same purpose, have power to provide carriages, ships, and boats for the conveyance, loading, or unloading of an explosive within the jurisdiction of such authority or company, and may charge a reasonable sum
10 fixed by a byelaw under this Act for the use of such carriage, ship, or boat. Undertaking of carriage by harbour authority and canal company.

71. Where any local authority other than justices in petty sessions satisfy the Secretary of State that the erection of a magazine by such authority, either within or without their jurisdiction, for the keeping of any explosive, would conduce to the safety of the public within their jurisdiction, and would not be injurious to any harbour or urban sanitary district out of their jurisdiction, the Secretary of State may grant a license under this Act for such magazine. Provision of magazines by local authority.

20 Where the magazine is without the jurisdiction of the local authority erecting the same, the assent of the local authority within whose jurisdiction the site is situate to such site shall be applied for in manner provided by this Act, and when the magazine is within the said jurisdiction notice of the application to the Secretary of
25 State for the license shall be given in like manner as notice of the intention to apply for the assent of the local authority to a site is required by this Act to be given.

The local authority may, for the purpose of any such license, acquire any land or right over land, or appropriate any land or
30 right belonging to them, and acquire or build a magazine, and may maintain and manage such magazine, and may charge for the use by persons of any such magazine such reasonable sums as they may from time to time, with the approval of the Secretary of State, fix.

35 Such sums shall be applied in aid of the local rate, and the expenses incurred for the purposes of this section may be defrayed out of the local rate, and the local authority may borrow on the security of the local rate the amount required for the purpose of acquiring any land or right over land, or acquiring or building a
40 magazine in pursuance of this section.

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Any such loan shall be made with the approval, in the case of a council, of the Treasury, and in the case of Improvement Commissioners, of the Local Government Board, and in the case of a harbour authority, of the Board of Trade.

For the purpose of such borrowing the clauses of "The Commissioners Clauses Act, 1847," with respect to the mortgages to be executed by the Commissioners, shall be incorporated with this Act, and in the construction of those clauses for the purpose of this Act, this Act shall be deemed to be the special Act, and the local authority which is borrowing shall be deemed to be the Commissioners. 5 10

For the purpose of the purchase of any land or right over land for the purpose of this section "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same (except so much as relates to the purchase of land otherwise than by agreement,) shall be incorporated with this section, and in construing those Acts for 15 the purposes of this section the special Act shall be construed to mean this Act, and the promoters of the undertaking shall be construed to mean the local authority, and land shall be construed to include any right over land.

Where any offence under this Act is committed in or about any 20 magazine erected in pursuance of this section, such offence may be prosecuted and tried and the penalty and forfeiture therefor recovered either in the county or place in which the magazine is situate, or in any adjoining county or place.

General Power of Search.

25

Search for explosive when in place in contravention of this Act, or offence being committed with respect to it.

See 23 & 24 Vict. c. 139. ss. 25, 27.

34 & 35 Vict. c. 105. s. 13. 28 & 29 Vict. c. cclxxviii. s. 4.

72. Where any of the following officers,—namely, any Government inspector, or any constable or any officer of the local authority, if such constable or officer is specially authorised either by a warrant of a justice (which warrant such justice may grant upon reasonable ground being assigned on oath), or, (where it appears 30 to a superintendent or other officer of police of equal or superior rank, or to a Government inspector, that the case is one of emergency and that the delay in obtaining a warrant would be likely to endanger life,) by a written order from such superintendent officer or inspector,—has reasonable cause to believe that any offence 35 has been or is being committed with respect to an explosive in any place (whether a building or not, or a carriage, boat, or ship), or that any explosive is in any such place in contravention of this Act, or that the provisions of this Act are not duly observed in any such place, such officer may, on producing 40 if demanded in the case of a Government inspector a copy

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of his appointment, and in the case of any other officer his authority, enter at any time, and if needs be by force, and as well on Sunday as on other days, the said place, and every part thereof, and examine the same, and search for explosives therein, and take
 5 samples of any explosive and ingredient of an explosive therein, and any substance reasonably supposed to be an explosive, or such ingredient which may be found therein.

Any person who, by himself or by others, fails to admit into any place occupied by or under the control of such person any officer
 10 demanding to enter in pursuance of this section, or in any way obstructs such officer in the execution of his duty under this section, shall be liable to a penalty not exceeding fifty pounds, and shall also be liable to forfeit all explosives, and ingredients thereof, which are at the time of the offence in his possession or under his control
 15 at the said place.

Where a constable or officer of the local authority specially authorised by written authority other than a warrant of a justice of the peace, enters and searches as above provided, a special report
 20 in writing of every act done by such constable or officer in pursuance of that authority, and of the grounds on which it is done, shall be forthwith sent by the person by whom or under whose authority it was done to the Secretary of State.

73. Where any of the following officers, namely, any Government inspector, or any constable, or any officer of the local authority,
 25 has reasonable cause to believe that any explosive or ingredient of an explosive or substance found by him is liable to be forfeited under this Act, he may seize and detain the same until some court of summary jurisdiction has determined whether the same is or is not so liable to be forfeited, and with respect thereto the following
 30 provisions shall have effect :

Seizure and
detention of
explosives
liable to
forfeiture.

(1.) The officer seizing may either require the occupier of the place in which it was seized (whether a building or not, or a carriage, boat, or ship) to detain the same in such place or in any place under the control of such occupier,
 35 or may remove it in such manner and to such place as will in his opinion least endanger the public safety, and there detain it, and may, where the matter appears to him to be urgent and fraught with serious public danger, and he is a Government inspector, or is authorised by an order
 40 from a Government inspector or a justice of the peace, or from a superintendent or other officer of police of equal or superior rank, cause the same to be destroyed or otherwise

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- rendered harmless; but before destroying or rendering harmless the same he shall take and keep a sample thereof, and shall, if required, give a portion of the sample to the person owning the explosive, or having the same under his control at the time of the seizure; 5 and any such occupier who, by himself or by others, fails to keep the same when he is required in pursuance of this section to detain it, and any such occupier or other person who, except with the authority of the officer seizing the same, or of a Government inspector, or 10 in case of emergency for the purpose of preventing explosion or fire, removes, alters, or in any way tampers or deals with the same while so detained, shall be liable to a penalty not exceeding fifty pounds, and shall also be liable to forfeit all explosives, and ingredients 15 thereof, which are at the time of the offence in his possession or under his control at the said place :
- (2.) The proceedings before a court of summary jurisdiction for determining whether the same is or is not liable to forfeiture shall be commenced as soon as practicable after the 20 seizure; and
- (3.) The receptacles containing the same may be seized, detained, and removed in like manner as the contents thereof; and
- (4.) The officer seizing the same may use for the purposes of the removal and detention thereof any ship, boat, or carriage 25 in which the same was seized, and any tug, tender, engine, tackle, beasts, and accoutrements belonging to or drawing or provided for drawing such ship, boat, or carriage, and shall pay to the owner a reasonable compensation for such use, to be determined, in case of dispute, by a court of 30 summary jurisdiction, and to be recovered in like manner as penalties under this Act; and
- (5.) The same shall, so far as practicable, be kept and conveyed in accordance with this Act, and with all due precaution to prevent accident, but the person seizing, 35 removing, detaining, keeping, or conveying the same shall not be liable to any penalty, punishment, or forfeiture under this or any other Act, or to any damages, for keeping or conveying the same, so that he use all such due precautions as aforesaid; and 40
- (6.) The officer seizing the same, or dealing with the same in pursuance of this section, shall not be liable to damages or otherwise in respect of such seizure or dealing, or any

act incidental to or consequential thereon, unless it is proved that he made such seizure without reasonable cause, or that he caused damage to the article seized by some wilful neglect or default.

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- 5 74. Any of the following officers, namely, any Government in-
 10 spector under this Act, any chief officer of police, and any superior
 officer appointed for the purposes of this Act where the justices in
 petty sessions are the local authority, by the court of quarter sessions
 to which such justices belong, and in the case of any other local
 15 authority by the local authority itself, may, for the purpose of
 ascertaining whether the provisions of this Act with respect to
 the conveyance, loading, unloading, and importation of an explosive
 are complied with, enter, inspect, and examine at any time, and as
 well on Sundays as on other days, the wharf, carriage, ship, or
 20 boat of any carrier or other person who conveys goods for hire, or
 of the occupier of any factory, magazine, or store, or of the im-
 porter of any explosive, on or in which wharf, carriage, ship,
 or boat he has reasonable cause to suppose an explosive to be for
 the purpose of or in course of conveyance, but so as not to unneces-
 sarily obstruct the work or business of any such carrier, person,
 occupier, or holder.

Inspection
 of wharf,
 carriage,
 boat, &c.
 with ex-
 plosives in
 transitu.

Any such officer, if he find any offence being committed under
 this Act in any such wharf, carriage, ship, or boat, or on any
 public wharf, may detain or remove the said carriage, ship, or
 25 boat, or the explosive, in such manner and with such precau-
 tions as appear to him to be necessary to remove any danger to
 the public, and may seize and detain the said explosive, as if it
 were liable to forfeiture.

Any officer above mentioned in this section, and any officer
 30 of police, or officer of the local authority who has reasonable cause
 to suppose that any offence against this Act is being committed
 in respect of any carriage (not being on a railway), or any boat
 conveying, loading, or unloading any explosive, and that the case is
 one of emergency, and that the delay in obtaining a warrant will be
 35 likely to endanger life, may stop, and enter, inspect, and examine such
 carriage or boat, and by detention or removal thereof or otherwise
 take such precautions as may be reasonably necessary for removing
 such danger.

Every officer shall for the purpose of this section have the same
 40 powers and be in the same position as if he were authorised by a search
 warrant granted under this Act, and any person failing to admit or
 obstructing such officer shall be liable to the same penalty.

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Payment for
samples of
explosives.

75. When a Government inspector, constable, or officer of the local authority in pursuance of this Act takes samples of any explosive, or ingredient, or substance he shall pay for or tender payment for the same to such amount as he considers to be the market value thereof, and the occupier of the place in which, or the owner 5 of the bulk from which the sample was taken, may recover any excess of the real value over the amount so paid or tendered, and any amount so tendered, from the inspector, constable, or officer taking the same as a debt in the county court of the district within which the sample was taken. 10

PART IV.

SUPPLEMENTAL PROVISIONS, LEGAL PROCEEDINGS, EXEMPTIONS, AND DEFINITIONS.

Supplemental Provisions.

Penalty on
and removal
of trespass-
ers.

76. Any person who enters without permission or otherwise 15 trespasses upon any factory, magazine, or store, or the land adjoining thereto which is occupied by the occupier of such factory, magazine, or store, or on any wharf for which byelaws are made by the occupier thereof under this Act, shall for every such offence, if not otherwise punishable, be liable to a penalty not exceeding five 20 pounds, and may be forthwith removed from such factory, magazine, store, land, or wharf, by any constable, or by the occupier of such factory, magazine, store, or wharf, or any agent or servant of or other person authorised by such occupier.

Any person other than the occupier of, or person employed in or 25 about any factory, magazine, or store who is found committing any act which tends to cause explosion or fire in or about such factory, magazine, or store, shall be liable to a penalty not exceeding fifty pounds.

The occupier of any such factory, magazine, store, or wharf shall 30 post up in some conspicuous place or places a notice or notices warning all persons of their liability to penalties under this section; but the absence of any such notice or notices shall not exempt a person from a penalty under this section.

Arrest with-
out warrant
of persons
committing
dangerous
offences.
See 23 & 24
Vict. c. 139.
s. 16.

77. Any person who is found committing any act for which he 35 is liable to a penalty under this Act, and which tends to cause explosion or fire in or about any factory, magazine, store, railway, canal, harbour, or wharf, or any carriage, ship, or boat, may be apprehended without a warrant by a constable, or an officer of the

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local authority, or by the occupier of or the agent or servant of or other person authorised by the occupier of such factory, magazine, store, or wharf, or by any agent or servant of or other person authorised by the railway or canal company or harbour authority, and be removed from the place at which he is arrested, and conveyed as soon as conveniently may be before a court of summary jurisdiction.

78. Where any person is guilty of any offence which under this Act is punishable by a pecuniary penalty only, and which, in the opinion of the court that tries the case, was reasonably calculated to endanger the safety of or to cause serious personal injury to any of the public or the persons employed in or about any factory, magazine, store, or registered premises, or any harbour, railway, canal, wharf, ship, boat, carriage, or place where such offence is committed, or to cause a dangerous accident, and was committed wilfully by the personal act, personal default, or personal negligence of the person accused, such person shall be liable, if the court is of opinion that a pecuniary penalty will not meet the circumstances of the case, to imprisonment, with or without hard labour, for a period not exceeding six months.

Imprisonment for wilful act or neglect endangering life or limb.

79. If any person throw, cast, or fire any fireworks in or into any highway, street, thoroughfare, or public place, he shall be liable to a penalty not exceeding five pounds.

Penalty for throwing fireworks in thoroughfare. 23 & 24 Vict. c. 139. s. 9.

80. Every person who forges or counterfeits any license, certificate, document, or plan granted or required in pursuance or for the purposes of this Act, or gives or signs any such document or plan which is to his knowledge false in any material particular, or wilfully makes use of any such forged, counterfeit, or false license, certificate, document, or plan, shall be liable to imprisonment, with or without hard labour, for a term not exceeding two years.

Forgery and falsification of documents.

81. Every person who, without due authority, pulls down, injures, or defaces any notice, copy of rules, or document, when affixed in pursuance of this Act, or of the special rules, shall be liable to a penalty not exceeding two pounds.

Punishment for defacing notices. 35 & 36 Vict. c. 76. s. 58.

82. Her Majesty may from time to time make Orders in Council for doing anything which is in this Act expressed to be authorised, directed, regulated, prescribed, or done by Order in Council.

Provisions as to Orders in Council and Orders of Secretary of State.

Every Order in Council or order of the Secretary of State which purports to be made in pursuance of this Act shall, after the expiration of six months from the date thereof, be presumed to have been duly made and to be within the powers of this Act, and no objection

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 ——— whatever commenced after the expiration of such six months.

Every Order in Council made in pursuance of this Act shall take effect as if it were enacted in this Act, and shall be published in the London Gazette, and shall be laid before both Houses of 5 Parliament within one month after it is made, if Parliament be then sitting, or if not, within one month after the commencement of the then next session of Parliament.

Her Majesty may by Order in Council, and a Secretary of State may by order, from time to time revoke, add to, or alter any pre- 10 vious Orders in Council or orders of the Secretary of State, as the case may be, under this Act.

Publication
 of byelaws,
 notices, &c.

83. All byelaws, notices, and documents directed by this Act to be published or advertised shall, save as otherwise provided by this Act, be published in the place which such notices and docu- 15 ments affect, by advertisement in some newspapers circulating generally in such place, or by placards, or handbills, or in such manner as the Secretary of State may from time to time direct as being in his opinion sufficient for giving information thereof to all persons interested. 20

Requisitions,
 notices, &c.
 to be in
 writing, and
 how to be
 served.

84. All orders, notices, and documents issued or given by the Secretary of State for the purposes of this Act, and all notices under this Act, shall be in writing or print, or partly in writing and partly in print, and all notices and documents required by this Act to be served, given, or sent by, on, or to a Government 25 inspector or Secretary of State may be sent by post, by a prepaid letter, and if sent by post shall be deemed to have been served, given, and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post; and in proving such service, giving or sending it shall be sufficient 30 to prove that the letter containing the notice was properly addressed and prepaid and put into the post.

All notices and documents directed by or required for the purposes of this Act to be given or sent to the Secretary of State shall, if sent to a Government inspector under this Act, be deemed 35 to have been sent to the Secretary of State.

All notices and documents directed by or required for the purposes of this Act to be given or sent to a local authority may be sent, by post or otherwise, to the clerk or office of the local autho- 40 rity, or delivered to some person employed by them for the purposes of this Act.

85. Where any enactment refers to any power of searching for gunpowder, or to any provisions of an Act of the twelfth year of King George the Third, chapter sixty-one, or of any Act repealed by this Act relative to the search for gunpowder, such enactment shall be deemed to refer to the provisions of this Act with respect to the search for and seizure, detention, and removal of an explosive by a Government inspector.

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Construction of enactments referring to powers of searching for gunpowder. 23 & 24 Vict. c. 139. s. 36.

Legal Proceedings.

86. Where any offence under this Act for which the occupier of any factory, magazine, store, or registered premises is liable to a penalty has in fact been committed by some other person, such other person shall be liable to a penalty not exceeding twenty pounds.

Exemption of occupier from penalty upon proof or another being real offender. See Factory Act, 7 & 8 Vict. c. 15. s. 41.

Where such occupier is charged with an offence so committed by some other person, the occupier shall be exempt from any penalty and forfeiture upon proving that he had supplied proper means and issued proper orders for the observance and used due diligence to enforce the observance of this Act, and that the offence in question was actually committed by some other person without his connivance, and if the actual offender be alive, that he has taken all practicable means in his power to prosecute such offender to conviction.

Where a Government inspector, or an officer of the local authority, or the local authority, is satisfied, before instituting a proceeding for any offence under this Act against an occupier, that such occupier, if such proceeding were instituted against him, would, under the foregoing provisions of this section, upon taking all practicable means in his power to prosecute the actual offender to conviction, be exempt from any penalty and forfeiture, and the occupier gives all facilities in his power for proceeding against and convicting the person whom the inspector, officer, or local authority believes actually to have committed the offence, the inspector, officer, or local authority shall proceed against that person in the first instance, without first proceeding against the occupier.

The occupier or other defendant, when charged in respect of any offence by another person, may, if he think fit, be sworn and examined as an ordinary witness in the case.

This section shall apply to any warehouseman, carrier, occupier of a wharf, and owner or master of any ship, boat, or carriage in like manner as if he were such an occupier as aforesaid.

87. Where a carrier or owner or master of a ship or boat is prevented from complying with this Act by the wilful act, neglect,

Exemption of carrier and owner

A.D. 1875. or default of the consignor or consignee of the explosive, or other person, or by the improper refusal of the consignee or other person to accept delivery of the explosive, such consignor, consignee, or other person who is guilty of such wilful act, neglect, default, or refusal shall be liable to the same penalty to which the carrier, 5 owner, or master is liable for a breach of this Act, and his conviction shall exempt the carrier, owner, or master from any penalty or forfeiture under this Act.

Supple-
mental pro-
visions as to
forfeiture of
explosive.

88. Where a court before whom a person is convicted of an offence against this Act has power to forfeit any explosive owned by 10 or found in the possession or under the control of such person, the court may, if it think it just and expedient, in lieu of forfeiting such explosive, impose upon such person, in addition to any other penalty or punishment, a penalty not exceeding such sum as appears to the court to be the value of the explosive so liable to be 15 forfeited.

See
36 & 37 Vict.
c. 85. s. 27.

Where any explosive, or ingredient of an explosive, is alleged to be liable under this Act to be forfeited, any indictment, information, or complaint may be laid against the owner of such explosive or ingredient, for the purpose only of enforcing such forfeiture, and 20 where the owner is unknown, or cannot be found, a court may cause a notice to be advertised, stating that unless cause is shown to the contrary, at the time and place named in the notice, such explosive will be forfeited, and at such time and place the court after hearing the owner or any person on his behalf (who may be present) may 25 order all or any part of such explosive or ingredient to be forfeited.

Jurisdiction
in tidal
waters or on
boundaries,

89. For all the purposes of this Act—

- (1.) Any harbour, tidal water, or inland water which runs between or abuts on or forms the boundary of the jurisdiction of two or more courts of summary jurisdiction 30 shall be deemed to be wholly within the jurisdiction of each of such courts; and
- (2.) Any tidal water not included in the foregoing descriptions, and within the territorial jurisdiction of Her Majesty, and adjacent to or surrounding any part of the shore of the 35 United Kingdom, and any pier, jetty, mole, or work extending into the same, shall be deemed to form part of the shore to which such water or part of the sea is adjacent, or which it surrounds.

Prosecution
of offences
either sum-
marily or on
indictment.

Legal Proceedings.

90. Every offence under this Act may be prosecuted and every penalty under this Act may be recovered, and all explosives and 40

ingredients liable to be forfeited under this Act may be forfeited either on indictment or before a court of summary jurisdiction, in manner directed by the Summary Jurisdiction Acts. A.D. 1875.

Provided that the penalty imposed by a court of summary jurisdiction shall not exceed one hundred pounds exclusive of costs, and exclusive of any forfeiture, and the term of imprisonment imposed by any such court shall not exceed one month.

All costs and money directed to be recovered as penalties may be recovered before a court of summary jurisdiction in manner directed by the Summary Jurisdiction Acts.

A court of summary jurisdiction may by order prohibit a person from doing any act for doing which such person has twice been convicted under this Act, and may order any person disobeying such summary order to be imprisoned for any period not exceeding six months.

91. Where a person is accused before a court of summary jurisdiction of any offence under this Act, the penalty for which offence as assigned by this Act exclusive of forfeiture exceeds one hundred pounds, the accused may, on appearing before the court of summary jurisdiction, declare that he objects to being tried for such offence by a court of summary jurisdiction, and thereupon the court of summary jurisdiction may deal with the case in all respects as if the accused were charged with an indictable offence and not an offence punishable on summary conviction, and the offence may be prosecuted on indictment accordingly.

92. If any party feels aggrieved by any summary order made by a court of summary jurisdiction under this Act, or by any order or conviction made by a court of summary jurisdiction in determining any complaint or information under this Act, by which order or conviction the sum adjudged to be paid, including costs, and including the value of any forfeiture, exceeds twenty pounds, the party so aggrieved may appeal therefrom to quarter sessions, in manner provided with respect to an appeal to quarter sessions by section one hundred and ten of the Act of the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter ninety-six.

93. The court of summary jurisdiction, when hearing and determining an information or complaint, in respect of any offence under this Act, shall be constituted either of two or more justices of the peace in petty sessions sitting at a place appointed for holding petty sessions, or of some magistrate or officer sitting alone or with others at some court or other place appointed for the

Power of offender in certain cases to elect to be tried on indictment, and not by summary jurisdiction.

Appeal to quarter sessions.

24 & 25 Vict. c. 96.

Constitution of court, and distress of ship.

A.D. 1875. administration of justice, and for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace.

Where the owner or master of a ship or boat is adjudged to pay a penalty for an offence committed with or in relation to such ship or boat, the court may, in addition to any other power they may have for the purpose of compelling payment of such penalty, direct the same to be levied by distress or arrestment and sale of the said ship or boat and her tackle.

Application
of penalties
and disposal
of forfeitures.
35 & 36 Vict.
c. 76, s. 68.

94. All penalties imposed in pursuance of this Act by a court of summary jurisdiction upon the prosecution of a Government inspector shall, notwithstanding anything in any other Act, be paid into the receipt of Her Majesty's Exchequer, in such manner as the Treasury may from time to time direct, and be carried to the Consolidated Fund.

Any explosive or ingredient forfeited in pursuance of this Act may be sold, destroyed, or otherwise disposed of in such manner as the court declaring the forfeiture, or the Secretary of State, may direct, and the proceeds of any such sale or disposal shall be paid, applied, and accounted for in like manner as penalties under this Act.

Any receptacle containing any explosive or ingredient may be forfeited, sold, destroyed, or otherwise disposed of, in like manner as the contents thereof.

The provisions of Part Three of this Act with respect to an explosive, or ingredient of an explosive, seized in pursuance of this Act, and to the officer seizing, removing, keeping, or conveying the same, shall apply to any explosive and ingredient declared by any court to be forfeited, and to the officer removing, keeping, conveying, destroying, or otherwise disposing of the same.

The court declaring the forfeiture, or the Secretary of State directing the sale or other disposal of any forfeited explosive or ingredient, and the receptacles thereof, may require the owner of such explosive or ingredient to permit the use of any ship, boat, or carriage containing such explosive or ingredient for the purpose of such sale or disposal, upon payment of a reasonable compensation for the same to be determined in case of dispute by a court of summary jurisdiction, and where the explosive or ingredient is directed to be destroyed, the owner and the person having possession of such explosive or ingredient, and the owner and master of the ship, boat, or carriage containing the same, or some or one of them, shall destroy the same accordingly, and if the court or Secretary of State so order, the ship, boat, or carriage may be detained until the same is so destroyed; and if the Secretary of State is satisfied that default has been made

A.D. 1875.

in complying with any such direction by him or by a court, and that the detention of the ship, boat, or carriage will not secure the safety of the public, and that it is impracticable, having regard to the safety of the public or of the persons employed in such destruction, to effect the same without using such ship, boat, or carriage, or otherwise dealing with such ship, boat, or carriage, in like manner as if it were a receptacle for an explosive forfeited under this Act, the Secretary of State may direct such ship, boat, and carriage, or any of them, to be, and the same may accordingly be so used or dealt with.

Exemptions and Savings.

95. This Act shall not apply—

- (1.) To any factory, magazine, store, premises, wharf, place, or explosive under the control of a Secretary of State, the Commissioners of the Admiralty, or other department of the Government, or otherwise held for the service of the Crown, or to the manufacture, keeping, conveyance, or importation of such explosive; or
- (2.) To any of Her Majesty's ships, boats, or carriages; or
- (3.) To the keeping or conveying, or making up, or adapting for use of any explosive issued by, or by the authority of a Secretary of State for the use of any volunteer corps or administrative regiment, or by or by the authority of the Commissioners of the Admiralty for the use of any force under the control of those commissioners, so far as such explosive is kept, conveyed, made up, and adapted for use in accordance with the regulations of the Secretary of State or the said commissioners, as the case may be; or
- (4.) To any storehouse appointed for receiving any such explosive as last above mentioned in pursuance of section twenty-six of the Volunteer Act, 1863, and any Act amending the same, or otherwise, if such storehouse is approved by the Secretary of State or the Commissioners of the Admiralty, as the case may be, as a fit place for the storing of such explosive, and is managed in accordance with the regulations of a Secretary of State or such commissioners for the management of such storehouses, or for the management of the like storehouses appointed for the use of Her Majesty's army or navy.

Exemption
of Govern-
ment fac-
tories, &c.
from the Act.

26 & 27 Vict.
c. 65.

96. This Act shall not apply—

- (1.) To the keeping of any rockets for use in any apparatus for saving life, kept under the control of the Commissioners of the Admiralty or the Board of Trade; or

Saving for
rocket and
fog stations.

A.D. 1875. (2.) To the keeping of any explosive kept for the purpose of signalling at or near a station on the sea coast, under the control of any general lighthouse authority, as defined by the Merchant Shipping Act, 1854.

17 & 18 Vict.
c. 104. s. 389.

Exemption of
magazines in
the Mersey
under

14 & 15 Vict.
c. 67.

97. Nothing in this Act with respect to the keeping of gun- 5
powder shall apply to any vessel for the storage of gunpowder
moored in the river Mersey at a place appointed either before or
after the passing of this Act, in pursuance of the Act of the session
of the fourteenth and fifteenth years of the reign of Her present
Majesty, chapter sixty-seven, intituled, “An Act to repeal so much 10
“ of an Act of the twelfth year of King George the Third relating
“ to the making, keeping, and carriage of gunpowder, as exempts
“ therefrom certain gunpowder magazines and stores near Liver-
“ pool, and to make certain temporary provisions with regard to
“ the said magazines and stores;” nor shall anything in this 15
Act affect the powers of the Commissioners of the Admiralty, or
a Secretary of State, or the Commissioners for the Conservancy of
the River Mersey under the said Act :

Provided that any such vessel shall not store any explosive other
than gunpowder, except in pursuance of a license under this Act. 20

Saving for
master of
ship and
carrier in
case of
emergency.

98. Nothing in this Act shall render liable to any penalty or
forfeiture the owner or master of any ship or boat, or any carrier or
warehouseman, or the person having charge of any carriage, for
any act done in breach of this Act, if he prove that by reason
of stress of weather, inevitable accident, or other emergency, the 25
doing of such act was, under the circumstances, necessary and
proper.

Saving for
rockets, gun-
powder, &c.
on board
ship in com-
pliance with
17 & 18 Vict.
c. 104.

99. Where any gunpowder, rockets, or other explosive are
on board any ship in pursuance of the provisions of the Merchant
Shipping Act, 1854, and the Acts amending the same, or any order 30
or regulation made under any of those Acts, nothing in this Act
shall apply to such gunpowder, rockets, or explosive, except
that the conveyance and keeping thereof on board the ship, or
elsewhere while the ship is in harbour shall be subject to the
byelaws under this Act, and byelaws under this Act may be made 35
for regulating such conveyance and keeping.

Saving
clause as to
liability.

100. This Act shall not, save as is herein expressly provided,
exempt any person from any action or suit in respect of any nui-
sance, tort, or otherwise, which might, but for the provisions of this
Act, have been brought against him. 40

This Act shall not exempt any person from any indictment or
other proceeding for a nuisance, or for an offence which is indict-

able at common law, or by any Act of Parliament other than this Act, so that no person be punished twice for the same offence. A.D. 1875.

When proceedings are taken before any court against any person in respect of any offence under this Act, which is also an offence indictable at common law or by some Act of Parliament other than this Act, the court may direct that, instead of such proceedings being continued, proceedings shall be taken for indicting such person at common law or under some Act of Parliament other than this Act.

10 A continuing certificate granted under this Act shall not make lawful any factory, magazine, or store, or any part thereof, which immediately before the passing of this Act was unlawful.

101. All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred on any local authority by Act of Parliament, but the Secretary of State may, on the application of any local authority, or of any council of a borough, or any urban sanitary authority, or on the application of any persons making, keeping, importing, exporting, or selling any explosive within the jurisdiction of any local authority, council, or urban sanitary authority, after notice to such authority, make an order for repealing, altering, or amending all or any of the provisions of any Act of Parliament, charter, or custom respecting the manufacture, keeping, importation, exportation, or sale of an explosive, or the powers of such council or authority for regulating the same, or otherwise in relation to an explosive.

Powers of Act cumulative, with power to make provisional order for repealing local Acts.

Notice of the draft of every such order shall be advertised not less than one month before the order is made, and the Secretary of State shall consider all objections to such draft order sent to him in writing during the said month, and shall, if it seem to him necessary, direct a local inquiry into the validity of any such objections.

Any such order shall be of no force unless confirmed by Parliament, but when so confirmed shall have effect, with such modifications or alterations as may be therein made by Parliament.

35 If while a Bill confirming any such order is pending in either House of Parliament, a petition is presented against such order, the Bill, so far as it relates to such order, may be referred to a Select Committee, and the petitioner shall be allowed to appear and oppose the same as in the case of a Bill for a private Act.

40 An order under this section may also be made for revoking or altering an order under this section previously made and confirmed by Parliament.

A.D. 1875. *Definitions.*

Extension of
definition of
explosive
to other
explosive
substances.

102. Her Majesty may, by Order in Council, declare that any substance which appears to Her Majesty to be specially dangerous to life or property by reason either of its explosive properties, or of any process in the manufacture thereof being liable to explosion, 5 shall be deemed to be an explosive within the meaning of this Act, and the provisions of this Act (subject to such exceptions, limitations, and restrictions as may be specified in the order) shall accordingly extend to such substance in like manner as if it were included in the term explosive in this Act. 10

Persons carrying on
certain processes to be
deemed
manufacturers.

103. Any person who carries on any of the following processes, namely, the process of dividing into its component parts or otherwise breaking up or unmaking any explosive, or making fit for use any damaged explosive, or the process of remaking, altering, or repairing any explosive, shall be subject to the provisions of this 15 Act as if he manufactured an explosive, and the term "manufacture" shall in this Act be construed accordingly.

Definition
and classification of
explosives
by Order in
Council.

104. It shall be lawful for Her Majesty from time to time, by Order in Council, to define, for the purposes of this Act, the composition, quality, and character of any explosive, and to classify 20 explosives.

Where the composition, quality, or character of any explosive has been defined by an Order in Council any article alleged to be such explosive which differs from such definition in composition, quality, or character, whether by reason of deterioration or other- 25 wise, shall not be deemed, for the purposes of this Act, to be the explosive so defined.

Definition of
"chief officer
of police."

105. In this Act—

The expression "chief officer of police" means—

- (1.) In the city of London and the liberties thereof, the 30 commissioner of city police; and,
- (2.) In the metropolitan police district, the commissioner or any assistant commissioner or any district superintendent of metropolitan police; and,
- (3.) Elsewhere the chief constable, or head constable, or other 35 officer, by whatever name called, having the chief command of the police in the police district in reference to which such expression occurs:

The expression "police district" means—

- (1.) The city of London and the liberties thereof; and 40
- (2.) The metropolitan police district; and,

(3.) Any county, or liberty of a county, borough, town, place, or union, or combination of places maintaining a separate police force; and all the police under one chief constable shall be deemed to constitute one force for

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the purposes of this section.

106. In this Act—

General
definitions.

The expression “this Act” includes any license, certificate, byelaw, regulation, rule, and order granted or made in pursuance of this Act:

The expression “person” includes a body corporate:

The expression “occupier” includes any number of persons and a body corporate; and in the case of any manufacture or trade, includes any person carrying on such manufacture or trade:

The expression “master” includes every person (except a pilot) having command or charge of a ship, and in reference to any boat belonging to a ship, means the master of the ship; and when used in reference to any other boat, includes every person having command or charge of such boat:

The expression “magazine” includes any ship or other vessel used for the purpose of keeping any explosive:

The expression “store” means an existing gunpowder store as defined by this Act, or a place for keeping an explosive licensed by a license granted by a local authority under this Act:

The expression “Secretary of State” means one of Her Majesty’s Principal Secretaries of State:

The expression “warehouseman” includes all persons owning or managing any warehouse, store, wharf, or other premises in which goods are deposited:

The expression “carrier” includes all persons carrying goods or passengers for hire by land or water:

The expression “harbour authority” means any person or body of persons corporate or unincorporate, being or claiming to be proprietor or proprietors of or intrusted with the duty or invested with the power of improving, managing, maintaining, or regulating any harbour properly so called, whether natural or artificial, and any port, haven, and estuary; or intrusted with the duty of conserving, maintaining, or improving the navigation of any tidal water, and any such harbour, port, haven, estuary, tidal water, and any wharf, pier, jetty, and work, and other area, whether land or water, over which the harbour authority as above defined have control or exercise powers, are in the other portions of this Act included in the term “harbour”:

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The expression "canal company" means any person or body of persons corporate or unincorporate, being owner or lessee or owners or lessees of, or working, or entitled to charge tolls for the use of any canal in the United Kingdom, constructed or carried on under the powers of any Act of Parliament; or in- 5 trusted with the duty of conserving, maintaining, or improving the navigation of any inland water, and every such canal and inland water under the control of a canal company as above defined, and any wharf, pier, jetty, and work in or at which barges do or can ship or unship goods or passengers, and other 10 area, whether land or water, which belong to or are under the control of such canal company, are in the other portions of this Act included in the term "canal":

The expression "tidal water" means any part of the sea or of a river within the ebb and flow of the tides at ordinary spring 15 tides:

The expression "inland water" means any canal, river, navigation, lake, or water which is not tidal water:

The expression "railway company" means any person or body of persons corporate or unincorporate, being the owner or lessee or 20 owners or lessees of or working any railway worked by steam or otherwise than by animal power in the United Kingdom, constructed or carried on under the powers of any Act of Parliament and used for public traffic, and every building, station, wharf, dock, and place which belong to or are under 25 the control of a railway company, are in the other portions of this Act included in the expression "railway":

The expression "wharf" includes any quay, landing place, siding, or other place at which goods are landed, loaded, or unloaded:

The expression "carriage" includes any carriage, waggon, cart, 30 truck, vehicle, or other means of conveying goods or passengers by land, in whatever manner the same may be propelled:

The expression "ship" includes every description of vessel used in sea navigation, whether propelled by oars or otherwise:

The expression "boat" means every vessel not a ship as above 35 defined which is used in navigation in any inland water or any harbour, whether propelled by oars or otherwise:

The expression "prescribed" means prescribed by Order in Council:

The expression "borough" means any place for the time being 40 subject to the Act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled "An Act to provide for the regulation of muni-

“cipal corporations in England and Wales,” and the Acts amending the same :

The expression “county” does not include a county of a city or a county of a town :

5 Every riding, division, liberty, or parts of a county having a separate commission of the peace and separate court of quarter sessions is for the purposes of this Act to be deemed to be a county :

10 The expression “improvement district” means an improvement district which is an urban sanitary district, and the expression “improvement commissioners” means the commissioners who are the urban sanitary authority for such district :

15 The expressions “urban sanitary district,” and “urban sanitary authority” mean the districts and authorities declared to be urban sanitary districts and authorities by the Public Health Act, 1872 :

20 The expression “safety cartridges” means cartridges for small arms of which the case can be extracted from the small arm after firing, and which are so closed as to prevent any explosion in one cartridge being communicated to other cartridges :

The expression “factory magazine” means a magazine in a factory for keeping the finished explosive made in the factory, or if such explosive is not gunpowder, the prescribed ingredients of such explosive :

25 The expression “Gunpowder Act, 1860,” means the Act of the session of the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter one hundred and thirty-nine, intituled “An Act to amend the law concerning the making,
30 “keeping, and carriage of gunpowder and compositions of an
“explosive nature, and concerning the manufacture, sale, and
“use of fireworks,” and the Acts amending the same :

35 The expression “Summary Jurisdiction Acts” means the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled “An Act to
“facilitate the performance of the duties of justices of the peace
“out of sessions within England and Wales with respect to
“summary convictions and orders,” and any Acts amending the same :

40 The expression “Court of Summary Jurisdiction” means any justice or justices of the peace, metropolitan police magistrate, stipendiary or other magistrate or officer, by whatever name
[115.] I

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called, to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred to:

The expression "quarter sessions" includes general sessions.

Application of Act to Scotland.

Definitions.

107. This Act shall apply to Scotland, subject to the following provisions :

- (1.) The expression "borough" means any royal burgh, and any burgh returning or contributing to return a member to Parliament :
- (2.) The expression "a master of one of the superior courts" means the auditor of the Court of Session :
- (3.) The expression "umpire" means oversman :
- (4.) The expression "attending before a court of record" means attending on citation the Court of Justiciary :
- (5.) The expression "stipendiary magistrate" means a sheriff or sheriff substitute :
- (6.) The expression "defendant" means defender, and includes respondent :
- (7.) The expression "chief officer of police" means the chief constable, superintendent of police, or other officer, by whatever name called, having the chief command of the police in any district maintaining a separate police force :
- (8.) The expression "chairman of quarter sessions" means the sheriff of the county :
- (9.) The expression "misdemeanour" means a crime and offence :
- (10.) The expression "the Court of Summary Jurisdiction" means the sheriff of the county or any one of his substitutes :
- (11.) The Act shall be read and construed as if for the expression "The Lands Clauses Consolidation Act, 1845," wherever it occurs therein, the expression "The Lands Clauses Consolidation (Scotland) Act, 1845," were substituted :
- (12.) In Scotland, the local authority for the purposes of this Act shall be as follows :
 1. In any borough the magistrates and town council, and
 2. In any harbour within the jurisdiction of a harbour authority, whether situate or not within the jurisdiction of any local authority for a borough, the harbour authority to the exclusion of any other local authority; and
 3. In any place other than a borough or harbour as aforesaid, the justices of the peace for the county in which such place is situated :

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(13.) In Scotland, the local rate for defraying the expenses of the local authorities under this Act shall be—

(a.) In any borough the police rate or assessment; and

(b.) In any harbour as aforesaid any moneys, fund, or rate applicable or leviable by the harbour authority for any harbour purpose; and

(c.) In any place other than a borough or harbour as aforesaid the county general assessment.

The rates or assessments in this sub-section mentioned, or any increase of any such rate or assessment, may, notwithstanding any limitation in any Act, be levied for the purposes of this Act:

(14.) In Scotland, the following provisions shall have effect in regard to proceedings for enforcing and making, and, when made and approved of, securing the carrying into effect of byelaws made under this Act, and for the prosecution of offences, recovery of penalties and costs, and moneys recoverable as penalties, and the making of forfeitures or orders under this Act, any corporation, harbour authority, or local authority, or party interested shall be entitled to apply to the Court of Session, by summary application, to compel a harbour authority to make the byelaws provided for in this Act, and, when such byelaws are made, to compel the due execution and enforcement thereof:

(a.) Every offence under this Act shall be prosecuted, every penalty recovered, and every forfeiture or order made at the instance of the Lord Advocate or of the procurator fiscal of the sheriff court:

(b.) The proceedings may be on indictment in the Court of Justiciary in Edinburgh or on circuit, or in the sheriff court, or may be taken summarily in the sheriff court under the provisions of the Summary Procedure Act, 1864, as the Lord Advocate shall direct:

(c.) All costs and moneys directed to be recovered as penalties may be recovered in the sheriff court at the instance of the procurator fiscal of that court, under the provisions of the Summary Procedure Act, 1864:

(d.) In Scotland, all penalties imposed in pursuance of this Act shall be paid to the clerk of the court imposing them, and shall by him be accounted for and paid to the Queen's and Lord Treasurer's Remembrancer, and be carried to the Consolidated Fund; and the proceeds of any

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sales of explosives or of the ingredients of explosives, or of the receptacles of explosives or their ingredients, or of any ship, boat, or carriage, forfeited and directed to be sold, or directed to be sold and disposed of as if the same were forfeited under this Act, shall be paid, accounted for, and applied in like manner as penalties under this Act:

(e.) In Scotland, every person found liable in any penalty or costs or to pay any money directed by this Act to be recovered as a penalty, shall be liable, in default of immediate payment, to imprisonment for a term not exceeding six months, or until such penalty, costs, or money shall be sooner paid.

Application of Act to Ireland.

This Act shall apply to Ireland, with the following modifications; that is to say,

Definition
of local
authority.

108. The local authority for the purposes of this Act shall be—

(1.) In the city of Dublin, the lord mayor, aldermen, and burgesses acting by the town council:

(2.) In any urban sanitary district in which the powers, jurisdictions, and authorities of the grand jury of the county in which such district is situate are vested and exercisable by the urban sanitary authority, except as hereafter in this section mentioned, the urban sanitary authority:

(3.) In any harbour within the jurisdiction of a harbour authority, whether situate or not within the jurisdiction of any local authority before in this section mentioned, the harbour authority to the exclusion of any other local authority:

(4.) In any place in which there is no local authority as before in this section defined, the justices in petty sessions assembled.

The terms “urban sanitary authority” and “urban sanitary district” have the same meanings respectively as in the Public Health, Ireland, Act, 1874.

Power of
certain local
bodies to
become a
local authority.

109. The urban sanitary authority of any district in Ireland which is not constituted a local authority by this Act may, by order of a Secretary of State made upon the application of such authority and published in the Dublin Gazette, be declared to be a local authority for the purposes of this Act, and thereupon shall become a local authority accordingly for such part of their district as is not included in any harbour to the exclusion of the justices in petty sessions.

Expenses of
local authority.

110. All expenses incurred by any local authority in carrying into effect the execution of this Act in Ireland, including the salary and

expenses of any officer directed by them to act under this Act, shall be paid out of the local rate. The local rate shall for the purposes of this Act mean as follows ; that is to say, A.D. 1875.

In the city of Dublin, the borough fund or borough rate ;

5 In urban sanitary districts where the urban sanitary authority are the local authority, any fund, moneys, or rate applicable or leviable by such authority for any purposes of improvement within their district ;

10 In harbours, any moneys, fund, or rate applicable or leviable by the harbour authority for any harbour purposes ; and

In any place where the justices in petty sessions are the local authority, the grand jury cess :

And the local rate or any increase of the local rate may, notwithstanding any limitation in any Act, be levied for the purposes of this Act.

20 All expenses which are by this Act payable out of grand jury cess leviable in any county, county of a city or county of a town, shall, upon the written order of the local authority which shall have incurred the same, be paid to the person named in such order by the treasurer of such county, county of a city or county of a town, or by the person discharging the duties of such treasurer, and in the county of Dublin by the finance committee, and the grand jury of such county, county of a city or county of a town, shall at any assizes and in the county of Dublin at the presenting term at which it is proved that any such expenses have been so paid, without previous application to presentment sessions, present to be raised off and paid by such county, county of a city or county of a town, all such moneys as shall be necessary to defray such expenses.

111. In this Act with respect to Ireland—

Definitions.

30 The expression “ police district ” means—

(1.) The police district of Dublin metropolis ; and

(2.) The town of Belfast ; and

35 (3.) Elsewhere in Ireland, any district, whether city, town, or part of a county, over which is appointed a sub-inspector of the Royal Irish Constabulary.

The expression “ chief officer of police ” means—

(1.) In the police district, of Dublin metropolis, the chief commissioner of police for the said district ; and in his absence the assistant commissioners of police for the said district ; and

40 (2.) In the town of Belfast, the town inspector, and in his absence the sub-inspector of the Royal Irish Constabulary acting for him ; and

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SCHEDULES.FIRST SCHEDULE.PART ONE.*Gunpowder Factories.*

Regulations of the Gunpowder Act, 1860, (23 & 24 Vict. c. 139. 5
ss. 2, 5,) which are to form part of the terms of every continuing certificate of a factory for gunpowder.

(1.) The quantity of gunpowder or ingredients to be made into gunpowder to be at one time under any single pair of mill stones or rollers or runners shall not exceed fifty pounds as respects sporting 10
and Government powder, and sixty pounds as respects all inferior powders; and every incorporating mill or group of incorporating mills shall be provided with a charge house for the store of mill charges, properly constructed of stone or brick, and situate at a safe and suitable distance from each incorporating mill or group of 15
incorporating mills.

(2.) The quantity of gunpowder to be subjected to pressure at one time in any press house shall not exceed ten hundredweight.

(3.) The quantity of gunpowder to be corned or granulated at one time in any corning or granulating house shall not exceed 20
twelve hundredweight.

(4.) The quantity of gunpowder to be dried at one time in one stove or place used for the drying of gunpowder shall not exceed fifty hundredweight.

(5.) The respective quantities to be at any one time in any press 25
house or corning or granulating house shall not exceed twice the respective quantities hereby allowed to be subjected to pressure and to be corned or granulated at one time; and the quantity to be at any one time in any drying house or dusting house shall not be more than is necessary for the immediate supply and work of such 30
house; and for the purposes of this provision any building used with any such press house, corning or granulating house, drying house or dusting house, shall be deemed part thereof, save only magazines constructed with stone or brick and situate forty yards at least from every such press-house or other house as aforesaid 35
(herein-after distinguished as expense magazines), and save only the stove in which the powder which has been dried may be cooling.

(6.) Every person keeping or using any mill for the making of gunpowder shall have (in addition to the expense magazines) a good and sufficient factory magazine or magazines, situate (unless otherwise authorised by a certificate of the Secretary of State under the Gunpowder Act, 1860) at least one hundred and forty yards distant from the mill or mills and every press house and other house or place used for or in the making of gunpowder, such magazine or magazines to be well and substantially built with brick or stone, and situate in such place as may have been lawfully used or duly licensed by justices before the commencement of the Gunpowder Act, 1860, and not made unlawful by that Act, or may have been after the commencement of that Act duly licensed under the Gunpowder Act, 1860.

(7.) No maker of gunpowder shall keep or permit to be kept any charcoal within twenty yards of any mill or other engine for making gunpowder, or of any press house, or drying, corning, or dusting house or other place used in or for the making of gunpowder, or any magazine or storehouse thereto belonging.

PART TWO.

Gunpowder Stores.

Regulations of the Gunpowder Act, 1860 (23 & 24 Vict. c. 139. ss. 18, 19), which are to form part of the terms of every continuing certificate for a gunpowder store.

- (1.) The store shall be exclusively for the use of a mine, quarry, colliery, or factory for safety fuzes.
- (2.) The amount of gunpowder in the store shall not exceed, if the store is well and substantially built of brick or stone, four thousand pounds, and in any other case three hundred pounds:
- (3.) Where the amount of gunpowder in the store exceeds three hundred pounds, such store shall, unless otherwise authorised before the passing of this Act by a certificate of the Secretary of State, be within two hundred yards of the mine, quarry, colliery, or factory for safety fuzes, or one of the mines, quarries, collieries, or factories for safety fuzes for the use of which such gunpowder is kept, and not within two hundred yards of any inhabited house without the consent in writing of the occupier of such house:

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- (4.) Where such certificate has been given the conditions on which it was given shall be duly observed as if they were contained in this schedule :
- (5.) Where the amount of gunpowder does not exceed three hundred pounds, the store shall be within two hundred 5 yards of the mine, quarry, colliery, or factory for the use of which it is erected, and unless it was erected and used for the said purpose before the passing of the Gunpowder Act, 1860, shall not be within two hundred yards from any inhabited house without the consent in writing of the 10 occupier of such house :
- (6.) The store shall not be within the city of London or Westminster or within three miles of either of them, or within any borough or market town or one mile of the same, or within two miles of any palace or house of residence of 15 Her Majesty, her heirs and successors, or within two miles of any gunpowder magazine belonging to the Crown, or within half a mile of any parish church.

SECOND SCHEDULE.

ARBITRATION.

20

Provisions
as to arbi-
trations.
35 & 36 Vict.
c. 76. s. 49.

With respect to arbitrations under this Act, the following provisions shall have effect :

- (1.) The parties to the arbitration are in this section deemed to be the occupier of the factory, magazine, or store on the one hand, and on the other the Government inspector (on 25 behalf of the Secretary of State) :
- (2.) Each of the parties to the arbitration may, within twenty-one days after the date of the reference, appoint an arbitrator :
- (3.) No person shall act as arbitrator or umpire under this Act 30 who is employed in or in the management of or is directly or indirectly interested in the manufacture, trade, factory, magazine, store, business, or premises to which the arbitration relates, or is in any manner interested directly or indirectly in the matter to which the arbitration relates : 35
- (4.) The appointment of an arbitrator under this section shall be in writing, and notice of the appointment shall be

forthwith sent to the other party to the arbitration and shall not be revoked without the consent of such other party :

5 (5.) The death, removal, or other change in any of the parties to the arbitration shall not affect the proceedings under this section :

10 (6.) If within the said twenty-one days either of the parties fail to appoint an arbitrator, the arbitrator appointed by the other party may proceed to hear and determine the matter in difference, and in such case the award of the single arbitrator shall be final :

15 (7.) If before an award has been made any arbitrator appointed by either party die or become incapable to act, or for fourteen days refuse or neglect to act, the party by whom such arbitrator was appointed may appoint some other person to act in his place; and if he fail to do so within fourteen days after notice in writing from the other party for that purpose, the remaining arbitrator may proceed to hear and determine the matters in difference, and in such case the award of such single arbitrator shall be final :

20 (8.) In either of the foregoing cases where an arbitrator is empowered to act singly, upon one of the parties failing to appoint, the party so failing may, before the single arbitrator has actually proceeded in the arbitration, appoint an arbitrator, who shall then act as if no failure had been made :

25 (9.) If the arbitrators fail to make their award within twenty-one days after the day on which the last of them was appointed, or within such extended time (if any) as may have been appointed for that purpose by both arbitrators under their hands, the matter in difference shall be determined by the umpire appointed as herein-after mentioned :

30 (10.) The arbitrators, before they enter upon the matters referred to them, shall appoint by writing under their hands an umpire to decide on points on which they may differ :

35 (11.) If the umpire die or become incapable to act before he has made his award, or refuses to make his award within a reasonable time after the matter has been brought within his cognizance, the persons or person who appointed such umpire shall forthwith appoint another umpire in his place :

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- (12.) If the arbitrators refuse or fail or for seven days after the request of either party neglect to appoint an umpire, then on the application of either party an umpire shall be appointed by the chairman of the quarter sessions of the peace within the jurisdiction of which the factory, 5 magazine, or store is situate :
- (13.) The decision of every umpire on the matters referred to him shall be final :
- (14.) If a single arbitrator fail to make his award within twenty-one days after the day on which he was appointed, the 10 party who appointed him may appoint another arbitrator to act in his place :
- The arbitrator and their umpire or any of them may examine the parties and their witnesses on oath, they may also consult any counsel, engineer, or scientific person 15 whom they may think it expedient to consult :
- (15.) The payment, if any, to be made to any arbitrator or umpire for his services shall be fixed by the Secretary of State, and together with the costs of the arbitration and award shall be paid by the parties, or one of them, according as the 20 award may direct. Such costs may be taxed by a master of one of the superior courts, who, on the written application of either of the parties, shall ascertain and certify the proper amount of such costs. The amount, if any, payable by the Secretary of State shall be paid as part of the expenses 25 of inspectors under this Act. The amount, if any, payable by any other party may in the event of nonpayment be recovered in the same manner as penalties under this Act.
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THIRD SCHEDULE.

A.D. 1875.

Maximum Fees for Licenses granted by the Secretary of State.

	Factory license, original	-	-	-	-	Ten pounds.
	Do., amending	-	-	-	-	Five pounds.
5	Do., renewal when lost	-	-	-	-	Five shillings.
	Magazine license, original	-	-	-	-	Ten pounds.
	Do., amending	-	-	-	-	Five pounds.
	Do., renewal when lost	-	-	-	-	Five shillings.
	Importation license, first grant	-	-	-	-	One pound.
10	Do., renewal	-	-	-	-	Ten shillings.
	Continuing certificate	-	-	-	-	Forty shillings.

FOURTH SCHEDULE.

	Session and Chapter.	Title.
15	23 & 24 Vict. c. 139. -	An Act to amend the law concerning the making, keeping, and carriage of gunpowder and compositions of an explosive nature, and concerning the manufacture, sale, and use of fireworks.
20	24 & 25 Vict. c. 130. -	An Act for amending an Act passed in the last session of Parliament to amend the law concerning the making, keeping, and carriage of gunpowder and compositions of an explosive nature, and concerning the manufacture, sale, and use of fireworks.
25	25 & 26 Vict. c. 98. -	An Act for the amendment of an Act of the session of the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter one hundred and thirty-nine, intituled An Act to amend the law concerning the making, keeping, and carriage of gunpowder and compositions of an explosive nature, and concerning the manufacture, sale, and use of fireworks, and of an Act amending the last-mentioned Act.
30	29 & 30 Vict. c. 69. -	An Act for the amendment of the law with respect to the carriage and deposit of dangerous goods.
	32 & 33 Vict. c. 113. -	An Act to prohibit for a limited time the importation and to restrict and regulate the carriage of nitro-glycerine.

Explosive Substances

A

B I L L

[AS AMENDED IN COMMITTEE]

To amend the Law with respect to manufacturing, keeping, selling, carrying, and importing Gunpowder, Nitro-glycerine, and other explosive substances.

*(Prepared and brought in by
Mr. Secretary Cross, Sir Henry Selwin-Ibbetson,
Mr. William Henry Smith.)*

*Ordered, by The House of Commons, to be Printed
12 April 1875.*

[Bill 115.]

Under 10 oz.

A

B I L L

TO

Amend the Law with reference to the Falsification of Accounts. A.D. 1875.

WHEREAS it is expedient to amend the law so as to punish the falsification by clerks, officers, servants, and others of their employers accounts, books, writings, or documents :

Be it enacted by the Queen's most Excellent Majesty, by and
5 with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. That if any clerk, officer, or servant, or any person employed or acting in the capacity of a clerk, officer, or servant, shall wilfully and
10 with intent to defraud destroy, alter, or mutilate any book, writing, document, or account which belongs to or is in the possession of his employer, or has been received by him for or on behalf of his employer, and which relates to any business transactions, or matters of or with his employer, or shall wilfully and with intent to
15 defraud make, or concur in making, any false entry in, or omit, or concur in omitting, any material entry from, or in any manner falsify or permit the falsification of any such book, writing, document, or account, then in every such case the person so offending shall be guilty of a misdemeanor and be liable to be kept in penal
20 servitude for a term not exceeding *seven years*, or to be imprisoned with or without hard labour for any term not exceeding *two years*.

Penalty for falsification of accounts, &c.

2. It shall be sufficient in any indictment under this Act to allege a general intent to defraud without naming any particular person intended to be defrauded.

Intention to defraud sufficient indictment.

25 3. This Act shall be read as one with the Act of the twenty-fourth and twenty-fifth of Her Majesty, chapter ninety-six.

Construction of Act.

4. This Act may be cited as the Falsification of Accounts Act, 1875.

Short title.

[Bill 121.]

Falsification of Accounts.

A

B I L L

To amend the Law with reference to the
Falsification of Accounts.

(Prepared and brought in by
Sir John Lubbock, Mr. Freshfield, Mr. Russell
Gurney, Mr. Kimman Hodgson, and Mr. Lopes.)

Ordered, by The House of Commons, to be Printed,
15 April 1875.

[Bill 121.]

Under 1 oz.

A

B I L L

INTITULED

An Act for amending the Foreign Jurisdiction Acts.

A.D. 1875.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 1. Where, by Order of the Queen in Council in pursuance of the Foreign Jurisdiction Acts, any court, judge, magistrate, or officer acting or exercising jurisdiction within or in relation to any country or place out of Her Majesty's dominions, is authorised to make any decree or order concerning any person or matter brought
10 within the cognizance of such court, judge, magistrate, or officer, every act or thing before or after the passing of this Act done or suffered beyond the limits of that country or place, under or as incidental to or consequential on such decree or order, or with a view to the carrying thereof into complete effect, shall be deemed
15 to have been and to be legally done and suffered, as if the same had been done or suffered under such decree or order within that country or place.

Validity of
acts done
under Order
in Council
under
Foreign
Jurisdiction
Acts.

2. This Act shall be construed as one with the Foreign Jurisdiction Act, 1843, and the Acts amending the same, and together
20 with those Acts may be cited as the Foreign Jurisdiction Acts, 1843 to 1875, and may be cited separately as the Foreign Jurisdiction Act, 1875.

Construction
and short
titles.

Foreign Jurisdiction. [H.L.]

A

B I L L

INTITLED

An Act for amending the Foreign
Jurisdiction Acts.

(*Brought from the Lords 3 August 1875.*)

*Ordered, by The House of Commons, to be Printed,
3 August 1875.*

[Bill 284.]

Under 1 oz.

A
B I L L

TO

Provide for the compulsory Registration of Foreign Loans, A.D. 1875.
and the Statutes of Foreign Companies.

WHEREAS it is expedient that all proposals to borrow money in England by public loans, made by foreign states, or by municipal bodies or corporations in such states, or by their agents, and all contracts, agreements, accounts, vouchers, and other documents relating thereto, should be registered by the Registrar of Joint Stock Companies :

And whereas it is also expedient that the statutes of foreign companies or associations, the agents or directors of which seek to raise capital in England, should in like manner be registered by the Registrar of Joint Stock Companies :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. All proposals to borrow money in England by public loans, made by foreign states, or by municipal bodies or corporations in such states, or by their agents, for national, municipal, or other purposes, and the names and addresses of such agents, shall be registered by the Registrar of Joint Stock Companies.

2. Certified copies of all contracts, agreements, or other documents entered into by such agents, either in England or in foreign states, with a view to negotiate and effect such loans, or in any manner relating thereto, together with the particulars of the revenue and taxes of such foreign states, or municipal bodies or corporations, mortgaged to secure the repayment of such loans, and the title, or an abstract of the title, to any property charged for that purpose, shall be registered by the Registrar of Joint Stock Companies.

Proposals
of foreign
states, &c.
to borrow
money in
England to
be registered
by Registrar
of Joint
Stock Com-
panies.
Copies of
contracts, &c.
relating to
loans to be
registered.

[Bill 60.]

A.D. 1875.

Copies of
accounts, &c.,
after loans
raised, to be
registered.

3. Within six months after the proceeds of such loans shall have been received by the agents mentioned in this Act, certified copies of all accounts, vouchers, and other documents, showing the net amount paid or transferred by such agents to the foreign states which they represent, and the amount retained by them by way of agency, commission, or otherwise, or in any manner relating thereto, shall be registered by the Registrar of Joint Stock Companies. 5

Statutes of
foreign com-
panies rais-
ing money to
be registered.

4. The statutes of foreign companies or associations, the agents or directors of which seek to raise capital in England by the sale of shares, debentures, or otherwise, shall also be registered by the Registrar of Joint Stock Companies. 10

Registered
addresses of
agents.

5. The names and addresses of agents directed by this Act to be registered by the Registrar of Joint Stock Companies shall, when registered, be deemed to be an election of domicile made by such agents for the purposes of such Act; and in all cases wherein it may be necessary for any person to serve any summons, demand, or notice, or any writ or other proceeding at law or in equity or otherwise, on such agents, service on them personally or by leaving the same at such registered addresses shall be deemed good service. 15 20

Agents
neglecting to
register to be
liable to per-
form all
conditions in
proposal.

6. If the agents mentioned in this Act shall wilfully omit to register their names and addresses as therein provided, or shall wilfully omit to register any proposal made by them to borrow money in England by public loans, or any contracts, agreements, accounts, or other documents relating thereto, at the office of the Registrar of Joint Stock Companies, such agents shall be held to be personally liable to perform all the terms, conditions, and stipulations set forth in such proposal, as if they were the principals therein named; and if such agents shall suppress, destroy, mutilate, or falsify any contract, agreement, account, voucher, or other document, or the particulars of revenue or taxes, title to or abstract of title to any property, or the statutes of any foreign company or association mentioned in this Act, such agents shall be deemed guilty of a misdemeanor. 25 30

Custody of
registers and
appoint-
ment of as-
sistant regis-
trars.

7. The Registrar of Joint Stock Companies shall keep all registers, books, and accounts, and the Board of Trade shall appoint all assistant registrars, clerks, and servants necessary to register all proposals for foreign loans, contracts, agreements, accounts, vouchers, and other documents, particulars of revenue and taxes, title to or abstract of title to property, mentioned in this Act, and for such registration shall make the several charges set forth in the schedule thereunto annexed. 35 40

8. Every person may inspect the registers, books, and accounts in which the several matters relating to foreign loans, and to the statutes of foreign companies or associations mentioned in this Act, are registered, and may require a certified or office copy of all such matters and statutes, upon payment of the charges set forth in the schedule thereunto annexed.

A.D. 1875.

Registers to
be open to
inspection.

SCHEDULE.

	£	s.	d.
10	For the registration of every proposal for a foreign loan there shall be paid upon the nominal amount proposed to be borrowed :—		
	For the first 100,000 <i>l.</i> , or any part thereof	10	0 0
	For every further 100,000 <i>l.</i> , or any part thereof	3	0 0
15	For the registration of every contract, agreement, account, voucher, or document, particulars of revenue and taxes, title to or an abstract of title to property relating to such foreign loan		
		1	0 0
20	For the registration of the statutes of foreign companies or associations, the same charges as are now made for the registration of joint stock companies, under the Joint Stock Companies Acts, 1862 and 1867.		
25	For the inspection of the registers, books, and accounts in which the several matters relating to foreign loans are registered, and for a like inspection of the statutes of foreign companies or associations		
		0	1 0
30	For a certified or office copy of any proposal for a foreign loan, and of every contract, agreement, account, voucher, or document, or for an abstract thereof, and for a like copy of the particulars of revenue and taxes, title to or abstract of title to property relating to such foreign loan, for each folio		
		0	0 6
	For a certified or office copy of the statutes of any registered foreign company or association, for each folio		
		0	0 6

A

BILL

To provide for the compulsory Registration of Foreign Loans, and the Statutes of Foreign Companies.

(Prepared and brought in by
Mr. Henry B. Sheridan, Mr. Charles Lewis, and
Mr. McLagan.)

*Ordered, by The House of Commons, to be Printed,
11 February 1875.*

[Bill 60.]

Under 1 oz.

A
B I L L

TO

Provide for the compulsory Registration of Foreign Loans, A.D. 1875.
and the Statutes of Foreign Companies.

WHEREAS it is expedient that all proposals to borrow money in England by public loans, made by foreign states, or by municipal bodies or corporations in such states, or by their agents, and all contracts, agreements, accounts, vouchers, and other documents relating thereto, should be registered by the Registrar of Joint Stock Companies :

And whereas it is also expedient that the statutes of foreign companies or associations, the agents or directors of which seek to raise capital in England, should in like manner be registered by the Registrar of Joint Stock Companies :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. All proposals to borrow money in England by public loans, made by foreign states, or by municipal bodies or corporations in such states, or by their agents, for national, municipal, or other purposes, and the names and addresses of such agents, shall be registered by the Registrar of Joint Stock Companies.

2. Certified copies of all contracts, agreements, or other documents entered into by such agents, either in England or in foreign states, with a view to negotiate and effect such loans, or in any manner relating thereto, together with the particulars of the revenue and taxes of such foreign states, or municipal bodies or corporations, mortgaged to secure the repayment of such loans, and the title, or an abstract of the title, to any property charged for that purpose, shall be registered by the Registrar of Joint Stock Companies.

Proposals of foreign states, &c. to borrow money in England to be registered by Registrar of Joint Stock Companies.
Copies of contracts, &c. relating to loans to be registered.

[Bill 94.]

A.D. 1875.

Copies of
accounts, &c.,
after loans
raised, to be
registered.

3. Within six months after the proceeds of such loans shall have been received by the agents mentioned in this Act, certified copies of all accounts, vouchers, and other documents, showing the net amount paid or transferred by such agents to the foreign states which they represent, and the amount retained by them by way of agency, commission, or otherwise, or in any manner relating thereto, shall be registered by the Registrar of Joint Stock Companies. 5

Statutes of
foreign com-
panies rais-
ing money to
be registered.

4. The statutes of foreign companies or associations, the agents or directors of which seek to raise capital in England by the sale of shares, debentures, or otherwise, shall also be registered by the Registrar of Joint Stock Companies. 10

Registered
addresses of
agents.

5. The names and addresses of agents directed by this Act to be registered by the Registrar of Joint Stock Companies shall, when registered, be deemed to be an election of domicile made by such agents for the purposes of such Act; and in all cases wherein it may be necessary for any person to serve any summons, demand, or notice, or any writ or other proceeding at law or in equity or otherwise, on such agents, service on them personally or by leaving the same at such registered addresses shall be deemed good service. 15 20

Agents
neglecting to
register to be
liable to per-
form all
conditions in
proposal.

6. If the agents mentioned in this Act shall wilfully omit to register their names and addresses as therein provided, or shall wilfully omit to register any proposal made by them to borrow money in England by public loans, or any contracts, agreements, accounts, or other documents relating thereto, at the office of the Registrar of Joint Stock Companies, such agents shall be held to be personally liable to perform all the terms, conditions, and stipulations set forth in such proposal, as if they were the principals therein named; and if such agents shall suppress, destroy, mutilate, or falsify any contract, agreement, account, voucher, or other document, or the particulars of revenue or taxes, title to or abstract of title to any property, or the statutes of any foreign company or association mentioned in this Act, such agents shall be deemed guilty of a misdemeanor. 25 30

Custody of
registers and
appoint-
ment of as-
sistant regis-
trars.

7. The Registrar of Joint Stock Companies shall keep all registers, books, and accounts, and the Board of Trade shall appoint all assistant registrars, clerks, and servants necessary to register all proposals for foreign loans, contracts, agreements, accounts, vouchers, and other documents, particulars of revenue and taxes, title to or abstract of title to property, mentioned in this Act, and for such registration shall make the several charges set forth in the schedule thereunto annexed. 35 40

8. Every person may inspect the registers, books, and accounts in which the several matters relating to foreign loans, and to the statutes of foreign companies or associations mentioned in this Act, are registered, and may require a certified or office copy of all such matters and statutes, upon payment of the charges set forth in the schedule thereunto annexed.

A.D. 1875.

Registers to
be open to
inspection.

SCHEDULE.

		£	s.	d.
10	For the registration of every proposal for a foreign loan there shall be paid upon the nominal amount proposed to be borrowed:—			
	For the first 100,000 <i>l.</i> , or any part thereof - - -	10	0	0
	For every further 100,000 <i>l.</i> , or any part thereof - -	3	0	0
15	For the registration of every contract, agreement, account, voucher, or document, particulars of revenue and taxes, title to or an abstract of title to property relating to such foreign loan - - - - -	1	0	0
20	For the registration of the statutes of foreign companies or associations, the same charges as are now made for the registration of joint stock companies, under the Joint Stock Companies Acts, 1862 and 1867.			
25	For the inspection of the registers, books, and accounts in which the several matters relating to foreign loans are registered, and for a like inspection of the statutes of foreign companies or associations - - - - -	0	1	0
30	For a certified or office copy of any proposal for a foreign loan, and of every contract, agreement, account, voucher, or document, or for an abstract thereof, and for a like copy of the particulars of revenue and taxes, title to or abstract of title to property relating to such foreign loan, for each folio -	0	0	6
	For a certified or office copy of the statutes of any registered foreign company or association, for each folio - - -	0	0	6

Foreign Loans Registration (No. 2.)

A

B I L L

To provide for the compulsory Registration of Foreign Loans, and the Statutes of Foreign Companies.

(Prepared and brought in by
Mr. H. B. Sheridan, Mr. Charles Lewis, and
Mr. McLagan.)

Ordered, by The House of Commons, to be Printed,

11 March 1875.

[Bill 94.]

Under 1 c.

Friendly Societies Bill.

ARRANGEMENT OF CLAUSES.

Clause

1. Short title of Act.
2. Commencement of Act.
3. Extent of Act.
4. Definitions.
5. Repeal.
6. Existing societies.
7. Societies with deposited rules.
8. Classes of societies.
9. Limited application of Act.
10. The registry office.
11. Registry of societies.
12. Cancelling and suspension of registry.
13. Rules and amendments.
14. Duties and obligations of societies.
15. Privileges of societies.
16. Property and funds of societies.
17. Loans to members.
18. Accumulating surplus of contributions for member's use.
19. Officers in receipt or charge of money.
20. Legal proceedings.
21. Disputes.
22. Special powers of registrars to be exercised on application from members.
23. Special resolutions, and proceedings which may be taken thereon.
24. Dissolution of societies.
25. Militiamen and volunteers not to lose benefits.
26. Limitations of benefits.
27. Payments on death of children.
28. Societies with branches.
29. Societies receiving contributions in two or more counties by collectors.

Clause

30. As to cattle insurance and certain other societies.
31. Penalties.
32. Summary procedure and appeals.
33. Regulation of proceedings in county courts.
34. Public auditors.
35. Fees.
36. Payment of salaries and expenses.
37. Regulations to be made for carrying out the Act.
38. Evidence of documents.
39. Application of Act to the Isle of Man.

SCHEDULES.

A
B I L L

TO

Consolidate and amend the Law relating to Friendly and other Societies. A.D. 1875.

WHEREAS it is expedient to consolidate and amend the law relating to friendly and certain other societies :

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as The Friendly Societies Act, 1875.

Short title
of Act.

2. This Act shall come into operation as to section 10 on the *passing of the Act*, and as to the remainder of the Act on the *first day of January one thousand eight hundred and seventy-six*, which day is herein-after referred to as the commencement of this Act.

Commence-
ment of Act.

3. This Act extends to Great Britain and Ireland, the Channel Islands, and the Isle of Man.

Extent of
Act.

4. In this Act, if not inconsistent with the context, the following terms have the meanings herein-after respectively assigned to them :

Definitions.

"The Treasury" means the Lords Commissioners of Her Majesty's Treasury :

"England" includes the Channel Islands and (except as herein-after provided) the Isle of Man :

20 "Registrar" means for England the central office, and for Scotland or Ireland the assistant registrar for either country respectively :

"Country" means England, Scotland or Ireland, as the case may be :

25 "Land" includes hereditaments, of whatever description, and chattels real :

"Property" means all real and personal estate (including books and papers) :

30 "Registered society" means a society registered or deemed to be registered under this Act :

[Bill 2.] A

A.D. 1875.

"Amendment of rule" includes a new rule, and a resolution rescinding a rule:

"Rules" means rules for the time being:

"Branch" means any number of the members of a society, under the control of a central body, having a separate fund, administered by themselves or by a committee or officers appointed by themselves:

"Persons claiming through a member" includes the heirs, executors, administrators, and assigns of a member, and also his nominees where nomination is allowed:

"Collector" includes every paid officer, agent, or person, howsoever remunerated, through whom a society receives contributions elsewhere than at the principal place of business of the same, but does not include the secretary or other officer of a branch of a society who receives contributions on behalf of such society, or of any other branch of the same, or any agent appointed and remunerated by members, and not under the control of the society, or of any officer thereof:

"Officer" extends to any trustee, treasurer, secretary, or member of the committee of management of a society, or person appointed by the society to sue and be sued on its behalf:

For Scotland, "court of summary jurisdiction" means the sheriff's court of the county:

"County court" means for Scotland the sheriff's court of the county, and for Ireland the Civil Bill Court; for Scotland,

"administration" means confirmation, and "misdemeanor" a crime and offence:

"Summary Jurisdiction Acts" means—

As to England, the Act 11 & 12 Vict. c. 43, and any Acts amending the same:

As to Ireland, within the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district, and of the police of such district. Elsewhere in Ireland, the "Petty Sessions (Ireland) Act, 1851," and any Act amending the same:

"Gazette" means the London Gazette for England, the Edinburgh Gazette for Scotland, and the Dublin Gazette for Ireland.

Repeal.

5. The Acts set forth in the first schedule hereto are repealed from the commencement of this Act to the extent set forth in the third column of the said schedule; but this repeal, or anything herein contained, shall not affect the past operation of the said Acts,

or the force or operation, validity or invalidity, of anything done or suffered, or any bond or security given, right, title, obligation, or liability accrued, contract entered into, or proceedings taken, under any of the said Acts, or under the rules of any society registered or certified thereunder, before the commencement of this Act. A.D. 1875.

6. Every society now subsisting whose rules have been registered, enrolled, or certified under any Act relating to friendly societies or cattle insurance societies, shall be deemed to be a society registered under this Act, and its rules shall, so far as the same are not contrary to any express provision of this Act, continue in force until altered or rescinded. Existing societies.

Provided that nothing herein contained shall affect the validity of the rules of friendly societies established before the fifteenth day of August one thousand eight hundred and fifty, notwithstanding that the contingent annual payments to which the nominees of the members of such societies may become entitled may exceed the limit hereby fixed.

7. Section forty-four of the Act of the eighteenth and nineteenth Victoria, chapter sixty-three, shall continue to have effect (notwithstanding its repeal by this Act) with regard to any society whose rules have been deposited thereunder, but only until the society is registered under this Act, or until the thirty-first day of December one thousand eight hundred and seventy-eight, whichever shall first happen. Societies with deposited rules.

8. The following societies may be registered under this Act; viz., Classes of societies.

(1.) Societies (herein called friendly societies) established to provide by voluntary subscriptions of the members thereof, with or without the aid of donations— Friendly societies.

For the relief or maintenance of the members, their husbands, wives, children, fathers, mothers, brothers or sisters, nephews or nieces, or wards being orphans, during sickness or other infirmity, whether bodily or mental, in old age (which shall mean any age after sixty,) or in widowhood, or for the relief or maintenance of the orphan children of members during minority; For insuring money to be paid on the birth of a member's child, or on the death of a member, or for the funeral expenses of the wife or child of a member, or of the widow of a deceased member;

For the relief or maintenance of the members when on travel in search of employment, or when in distressed circumstances, or in case of shipwreck, or loss or damage of or to boats or nets;

[2.] A 2

- A.D. 1875. For the endowment of members or nominees of members at any age ;
For the insurance against fire to any amount not exceeding fifteen
pounds of the tools or implements of the trade or calling of
the members ;
Provided that no society (except as aforesaid) which contracts 5
with any person for the assurance of an annuity exceeding *thirty*
pounds per annum, or of a gross sum exceeding *two hundred*
pounds, shall be registered under this Act :
- Cattle insur- (2.) Societies (herein called cattle insurance societies) for the
ance so- insurance to any amount against loss, by death of neat cattle, 10
cieties. sheep, lambs, swine, and horses from disease or otherwise :
- Benevolent (3.) Societies for any benevolent or charitable purpose (herein
societies. called benevolent societies) :
- Working (4.) Societies (herein called working men's clubs) for purposes of
men's clubs. social intercourse, mutual helpfulness, mental and moral improve- 15
ment, and rational recreation :
- Specially (5.) Societies for any purpose which the Treasury may authorise
authorised as a purpose to which the powers and facilities of this Act ought to
societies. be extended (herein called " specially authorised societies ").
- Limited 9. The Treasury may limit the application of this Act, as respects 20
application of Act. specially authorised societies, to such of the provisions herein con-
tained as may be specified in the authority for registering any such
society.
- The registry 10. With respect to the registry office, the following provisions 25
office. shall have effect :—
- The chief (1.) There shall be a chief registrar of friendly societies (herein
and assistant termed " the chief registrar "), and one or more assistant regis-
registrars. trars of friendly societies for England (herein termed " assistant
registrars for England "), and such chief registrar and assistant
registrars for England shall constitute the central office after men- 30
tioned. There shall be an assistant registrar of friendly societies
for Scotland (herein termed " assistant registrar for Scotland "),
and an assistant registrar of friendly societies for Ireland (herein
termed " assistant registrar for Ireland ").
- Chief and (2.) Every chief registrar and assistant registrar shall be 35
assistant registrars to hold office during pleasure. appointed by and shall hold his office during the pleasure of the
Treasury.
- Qualification (3.) Every chief registrar shall be a barrister of not less than
of chief and twelve years standing, and one at least of the assistant registrars
assistant for England, and every assistant registrar for Ireland shall be a 40
registrars. barrister or solicitor of not less than seven years standing, and
every assistant registrar for Scotland an advocate, writer to the
signet, or solicitor of not less than seven years standing.

(4.) The central office shall exercise all the functions and powers by any existing Act of Parliament vested in the registrar of friendly societies or the registrar of building societies for England, or in the barrister appointed to certify the rules of savings banks or friendly societies, and shall be entitled to receive all fees payable to such registrar or barrister, and all provisions in such Acts relating to such registrar or barrister shall be construed as applying to the central office.

Central office to exercise functions of registrar of friendly or building societies for England, and barrister to certify savings banks.

(5.) The central office shall, with the approval of the Treasury, from time to time—

Other functions of central office:

(a.) Prepare and cause to be circulated, for the use of societies, model forms of accounts, balance sheets, and valuations;

preparation of model forms;

(b.) Collect from the returns under this Act and from other sources, and publish and circulate, either generally or in any particular district, such information on the subject of the statistics of life and sickness, and the application thereof to the business of friendly societies, and such other information useful to the members of or to persons interested in friendly or other societies registered or which might be registered under this Act, as the chief registrar shall from time to time think fit.

circulation of information.

(6.) The chief registrar shall every year lay before Parliament a report of his proceedings and of those of the assistant registrars, and of the principal matters transacted by him and them during the year preceding.

Chief registrar to report yearly to Parliament.

(7.) For the purposes of this Act the assistant registrars shall be subordinate to the chief registrar. They shall, within the countries for which they are respectively appointed, exercise all functions and powers by this Act given to the registrar, and may also, by the written authority of the chief registrar, exercise such of the functions and powers by this Act given to the chief registrar as he shall from time to time delegate to them.

Functions of assistant registrars generally.

(8.) Subject to any regulations to be made under this Act, the assistant registrars for Scotland and Ireland respectively shall—

Functions of assistant registrars for Scotland and Ireland.

(a.) Exercise all the functions and powers by any existing Act of Parliament vested in the registrars of friendly or of building societies for Scotland and Ireland respectively, or in the barrister or person appointed to certify the rules of friendly societies in Scotland or Ireland respectively, and shall be entitled to receive all fees payable to such registrar, barrister, or person respectively, and so that all provisions in such Acts relating to such registrar, barrister, or

A.D. 1875.

person respectively shall be construed as applying to such assistant registrars respectively :

- (b.) Send to the central office copies of all such documents registered or recorded by them as the chief registrar shall from time to time direct : 5
- (c.) Record all such documents and matters as shall be sent to them for record from the central office, and such other documents and matters as herein provided :
- (d.) Circulate and publish, or transmit to or from societies registered within their respective countries, from or to the central office, such information and documents relating to the purposes of this Act as the chief registrar, with the approval of the Treasury, shall from time to time direct : 10
- (e.) Report from time to time their proceedings to the chief registrar as he shall direct. 15

(9.) No assistant registrar for Scotland or Ireland shall refuse to record any rules or amendments of rules which have been registered by the central office.

Registry of societies.

11. With respect to the registry of societies, the following provisions shall have effect :— 20

Societies for registry to consist of seven persons at least.

(1.) No society can be registered under this Act which does not consist of seven persons at least.

The application for registry.

(2.) For the purpose of registry an application to register the society, signed by seven members and the secretary, and written or printed copies of the rules, together with the names of the secretary 25 and of every trustee or other officer authorised to sue and be sued on behalf of the society, shall be sent to the registrar.

Identity, or deceptive similarity of name not to be allowed.

(3.) No society shall be registered under a name identical with that under which any other existing society is registered, or so nearly resembling such name as to be likely, in the opinion of the 30 registrar, to deceive the members or the public.

Dividing societies may be registered.

(4.) A society (other than a benevolent society or working men's club) shall not be disentitled to registry by reason of any rule for or practice of dividing any part of the funds thereof.

Societies granting annuities to have tables certified by actuary.

(5.) No society assuring to any member a certain annuity or 35 certain superannuation shall be entitled to registry, unless the tables of contributions for such assurance, certified by the actuary to the Commissioners for the Reduction of the National Debt, or by an actuary of some life assurance company established in London, Edinburgh, or Dublin, who has exercised the profession of actuary 40 for at least five years, be sent to the registrar with the application for registry.

(6.) Societies carrying or intending to carry on business in more than one country shall be registered in the country in which their registered office, as herein mentioned, is situate; but copies of the rules of such societies, and of all amendments of the same, shall, when registered, be sent to the registrar of each of the other countries, to be recorded by him; and until such rules be so recorded the society shall not be entitled to any of the privileges of this Act in the country in which such rules have not been recorded, and until such amendments of rules be recorded the same shall not take effect in such country.

A.D. 1875.

Registry of societies doing business in more than one country.

(7.) The registrar, on being satisfied that a society has complied with the provisions as to registry in force under this Act, shall issue to such society an acknowledgment of registry, which shall specify the designation of the society, according to the classification herein set forth.

The acknowledgment of registry.

(8.) If the registrar refuse to register the society or any rules, the society may appeal from such refusal, as follows:

Appeals from refusal to register.

(a.) If the assistant registrar for Scotland or Ireland refuse to register, otherwise than on the ground of some law not in force in England, to the chief registrar:

(b.) If the assistant registrar for Scotland or Ireland refuse to register on the ground of some law not in force in England, to the High Court of Justiciary at Edinburgh, or to the Court of Queen's Bench at Dublin, as the case may be:

(c.) If the central office or the chief registrar refuse to register, whether originally or on appeal, to the Queen's Bench Division of the High Court of Justice:

(d.) The High Court of Justiciary at Edinburgh, the Court of Queen's Bench at Dublin, and the Judges of the Queen's Bench division of the High Court of Justice respectively, may make rules or orders as to the form of appeals and the trying thereof and otherwise relating thereto.

(9.) If the refusal of registry be overruled on appeal, an acknowledgment of registry shall thereupon be given to the society by the registrar.

If refusal overruled, acknowledgment of registry to be given.

(10.) The acknowledgment of registry shall be conclusive evidence that the society therein mentioned is duly registered, unless it be proved that the registry of the society has been suspended or cancelled.

Effect of acknowledgment of registry.

12. With respect to the cancelling or suspension of registry the following provisions shall have effect:

Cancelling and suspension of registry.

(1.) The chief registrar may cancel the registry of a society by writing under his hand,—

(a.) If he thinks fit, at the request of a society, to be evidenced in such manner as he shall from time to time direct:

Cancelling.

[2.]

A 4

A.D. 1875. (b.) With the approval of the Treasury, on proof to his satisfaction that an acknowledgment of registry has been obtained by fraud or mistake, or that a society exists for an illegal purpose, or has wilfully and after notice from a registrar whom it may concern violated any of the provisions of this Act, or has ceased to exist. 5

Suspension. (2.) The chief registrar, in any case in which he might, with the approval of the Treasury, cancel the registry of a society, may suspend the same, by writing under his hand, for any term not exceeding three months, and may, with the approval of the Treasury, renew such suspension from time to time for the like period. 10

Notice of cancelling or suspension. (3.) Not less than three weeks previous notice in writing shall be given by the central office to a society before the registry of the same can be cancelled (except at its request) or suspended, and notice of every cancelling or suspension shall be published in the Gazette as soon as practicable after the same takes place. 15

Appeal from cancelling or suspension. (4.) A society may appeal from the cancelling of its registry, or from any suspension of the same which is renewed after six months, in manner herein provided for appeals from the chief registrar's refusal to register. 20

Effect of cancelling or suspension. (5.) A society whose registry has been suspended or cancelled shall from the time of such suspension or cancelling (but if suspended, only whilst such suspension lasts, and subject also to the right of appeal hereby given) absolutely cease to enjoy as such the privileges of a registered society, but without prejudice to any liability actually incurred by such society, which may be enforced against the same as if such suspension or cancelling had not taken place. 25

Rules and amendments. **13.** With respect to the rules of societies the following provisions shall have effect: 30

Provisions to be contained in rules. (1.) The rules of every society sent for registry shall, according to the class in which the society is to be registered, contain provisions in respect of the several matters mentioned in the second schedule to this Act.

Amendments to be registered. (2.) No amendment of a rule made by a registered society shall be valid until the same has been registered under this Act. 35

Provision applicable to amendments. (3.) The provision herein contained as to appeals from a refusal of registry shall apply to amendments of rules.

Acknowledgment of registry of amendments. (4.) The registrar shall, on being satisfied that any amendment of a rule is not contrary to the provisions of this Act, issue to the society an acknowledgment of registry of the same, which shall be conclusive evidence that the same is duly registered. 40

Copies of rules to be delivered on demand. (5.) A copy of the rules of a registered society shall be delivered by the society to every person on demand, on payment of a sum not exceeding one shilling. 45

(6.) If any person, with intent to mislead or defraud, gives to any person a copy of any rules or amendments of rules other than those for the time being registered under this Act, on the pretence that the same are the existing rules of a registered society, or that there are no other rules of such society, or gives to any person a copy of any rules on the pretence that such rules are the rules of a registered society when the society is not registered, the person so offending shall be deemed guilty of a misdemeanor.

A.D. 1875.

Delivery of untrue rules.

14. With respect to the duties and obligations of registered societies the following provisions shall have effect :

Duties and obligations of societies.

(1.) Every registered society shall—

(a.) Have a registered office to which all communications and notices may be addressed; and send to the registrar notice of the situation of such office, and of every change therein :

Registered office.

(b.) From time to time at some meeting of the society, and by a resolution of a majority of the members present and entitled to vote thereat, appoint one or more trustees of the society, and send to the registrar a copy of every resolution appointing a trustee, signed by the trustee so appointed, and by the secretary of the society :

Appointment of trustees.

(c.) Once at least in every year submit its accounts for audit either to one of the public auditors appointed as herein mentioned, or to two or more members or other persons appointed as the rules of the society provide, which auditors shall have access to all the books and accounts of the society, and shall examine the general statement of the receipts and expenditure, funds and effects of the society, and verify the same with the accounts and vouchers relating thereto, and shall either sign the same as found by them to be correct, or specially report to the society in what respects they find it incorrect or unvouched :

Audit.

(d.) Once at least in every year before the first day of June send to the registrar a general statement (to be called the annual return) of the receipts and expenditure, funds and effects of the society, which shall show separately the expenditure in respect of the several objects of the society, and shall be made out to the 31st December then last inclusively, and shall be duly audited :

Annual returns.

(e.) Within three months after the thirty-first day of December one thousand eight hundred and seventy-five, and so again within three months after the expiration of every five years succeeding, send to the registrar a return (to be

Quinquennial returns.

A.D. 1875.

Quinquen-
nial valua-
tions.

called the quinquennial return) of the sickness and mortality experienced by the society during the five years preceding the 31st December then last past; an abstract of which returns shall be laid before Parliament :

- (f.) Once at least in the five years next after the commencement of this Act, or the registry of the society, and so again within three months after the expiration of every five years succeeding the date of the first valuation under this Act, either cause its assets and liabilities to be valued by a valuer to be appointed by the society, and send to the registrar a report, signed by such valuer, and which shall also state his address and calling or profession, on the condition of the society, and an abstract to be made by him of the results of his valuation, or send to the registrar a return of the benefits assured and contributions receivable from all the members of the society, and of all its funds and effects, debts and credits, accompanied by such evidence in support thereof as the chief registrar prescribes, in which case the registrar shall cause the assets and liabilities of the society to be valued and reported on by some actuary or public accountant, and shall send to the society a copy of his report, and an abstract of the results of his valuation :

Inspection of
books.

- (g.) Allow any member or person having an interest in the funds of the society to inspect the books at all reasonable hours at the registered office of the society, or at any place where the same are kept :

Supplying
copies of an-
nual returns.

- (h.) Supply gratuitously every member or person interested in the funds of the society, on his application, with a copy of the last annual return of the society for the time being.

Offences.

(2.) It shall be an offence under this Act if any registered society—

- (a.) Fails to give any notice, send any return or document, or do or allow to be done any act or thing which the society is by this Act required to do or allow to be done :
- (b.) Wilfully neglects or refuses to do any act or to furnish any information required for the purposes of this Act by a registrar or other person authorised under this Act :
- (c.) Makes a return or wilfully furnishes information in any respect false or insufficient.

Offences by
societies to
be also

(3.) Every offence by a society under this Act shall be deemed to have been also committed by every officer of the same bound by

the rules thereof to fulfil the duty whereof such offence is a breach, A.D. 1875.
 or if there be no such officer, then by every member of the committee of management of the same, unless such member be proved offences by
officers, &c.
 to have been ignorant of or to have attempted to prevent the
 5 commission of such offence; and every default under this Act
 constituting an offence, if continued, constitutes a new offence in
 every week during which the same continues.

(4.) Every annual, quinquennial, or other return, abstract of Returns to be
in prescribed
form.
 valuation, and other document required for the purposes of this Act
 10 shall be made in such form and shall contain such particulars as
 the chief registrar prescribes.

(5.) All documents by this section required to be sent to the Recording of
documents.
 registrar shall be deposited with the rules of the societies to which
 the same respectively relate, and shall be registered or recorded
 15 by the registrar, with such observations thereon, if any, as the
 registrar chief shall direct :

Provided that the chief registrar, with the approval of the Treasury, In what
cases quin-
quennial
returns, &c.
may be dis-
pensed with.
 may dispense with the quinquennial return and with the valuation
 herein required in respect of societies to whose purposes or to the
 20 nature of whose operations he may deem the same inapplicable ;
 and may also dispense with the quinquennial return in cases where,
 at the request of a society, he may, by inspection of the books thereof
 through any person whom he appoints, obtain such information as he
 deems sufficient of the sickness and mortality experienced by the
 25 society; and the provisions herein contained in respect of the
 quinquennial return and valuation shall not apply to benevolent
 societies, working men's clubs, or cattle insurance societies, nor to
 specially authorised societies, unless it be so directed in the authority
 for registering the same.

30 **15.** Registered societies shall be entitled to the following Privileges of
societies.
 privileges :

(1.) No society or meeting of a society shall be affected by any of Correspond-
ing Societies
Acts, &c.
not to affect
registered
societies.
 the provisions of the Acts of the thirty-ninth George the Third,
 chapter seventy-nine, the fifty-seventh George the Third, chapter
 35 nineteen, or the fourteenth and fifteenth Victoria, chapter forty-
 eight, if in such society or at such meeting no business is transacted
 other than that which directly and immediately relates to the objects
 of the society as declared in the registered rules thereof, but such
 society and all officers of the same shall, on request in writing by
 40 two justices of the peace, give full information to such justices of
 the nature, objects, proceedings, and practices of the society, in
 default whereof the provisions of the Acts in this section referred
 to shall, so far as applicable, be in force in respect of such society.

- A.D. 1875. (2.) Stamp duty shall not be chargeable upon any of the following documents :
- Exemption from Stamp Duty.
- (a.) Copy of the rules of a society :
 - (b.) Power, warrant, or letter of attorney, granted by any person as trustee for the transfer of any money of the society invested in his name in the public funds : 5
 - (c.) Order or receipt for money contributed to or received from the funds of the society by virtue of its rules or of this Act :
 - (d.) Bond given to or on account of the society, or by the treasurer or other officer thereof : 10
 - (e.) Draft or order, or form of policy, or appointment or revocation of appointment of agent, or other document required or authorised by this Act, or by the rules of the society.
- Power of nomination for sums not exceeding fifty pounds.
- (3.) A member of a society (other than a benevolent society or working men's club) not being under the age of sixteen years, 15 may, by writing under his hand delivered at or sent to the registered office of the society, nominate any person, being the husband, wife, father, mother, child, brother, sister, nephew, or niece of such member, to whom any moneys payable by the society on the death of such member, not exceeding *fifty pounds*, shall be 20 paid at his decease, and may from time to time revoke or vary such nomination by a writing under his hand similarly delivered or sent; and on receiving satisfactory proof of the death of a nominator, the trustees shall pay to the nominee the amount due to the deceased member, not exceeding the sum aforesaid. 25
- Distribution of sums not exceeding fifty pounds.
- (4.) If any member of a society, entitled from the funds thereof to a sum not exceeding fifty pounds, dies intestate and without having made any nomination under this Act which remains unrevoked at his death, such sum shall be payable, without letters of administration, to the person who appears to the trustees, upon 30 such evidence as they may deem satisfactory, to be entitled by law to receive the same.
- Payments to persons apparently entitled valid.
- (5.) Whenever the trustees, after the decease of any member, pay any sum of money to the person who at the time appears to the trustees to be entitled under this section, the payment is valid 35 and effectual against any demand made upon the trustees or the society by any other person.
- When trustees are absent, &c., Registrar may order stock to be transferred.
- (6.) When any person in whose name any stock transferable at the Bank of England or Bank of Ireland is standing, either jointly with another or others, or solely, as a trustee for a society, is 40 absent from England or Ireland respectively, or becomes bankrupt, or files any petition or executes any deed for liquidation of his affairs by assignment or arrangement, or for composition with his

creditors, or becomes a lunatic, or is dead, or if it be unknown A.D. 1875.
whether such person is living or dead, the chief registrar, on

application in writing from three members of the committee of
management, and on proof satisfactory to him, may direct the

5 transfer of the stock into the names of any other persons as
trustees for the society; and such transfer shall be made by the
surviving or continuing trustees, and if there be no such trustee,

or if such trustees refuse or be unable to make such transfer,
and the chief registrar so direct, then by the Accountant General

10 or Deputy or Assistant Accountant General of the Bank of England
or Bank of Ireland, as the case may be; and the Governors and

Companies of the Bank of England and Bank of Ireland respec-
tively are hereby indemnified for anything done by them or any

of their officers in pursuance of this provision against any claim
15 or demand of any person injuriously affected thereby.

(7.) Upon the death of any officer of a society having in his Priority on
death of
officer.
possession by virtue of his office any money or property belonging
to the society, his heirs, executors, or administrators shall, upon
demand in writing of the trustees of the society, or any two of
20 them, or any person authorised by the society to make such demand,
pay such money and deliver over such property to the trustees
of the society in preference to any other debts or claims against
the estate of the deceased.

(8.) A person under the age of twenty-one but above the age of Membership
of minors.
25 sixteen may be a member of a society, unless provision be made in
the rules thereof to the contrary, and may, subject to the rules of
the society, enjoy all the rights of a member (except as herein
provided), and execute all instruments and give all acquittances
necessary to be executed or given under the rules, but shall not be
30 an officer of the society.

Provided as follows:

(a.) Societies and branches, consisting wholly or partly of
members of any age under sixteen years, but exceeding
three years, may be allowed by the chief registrar to register
35 under this Act, subject to such regulations as may be made
in that behalf:

(b.) No rule or practice in force at the commencement of this
Act for the admission of members under sixteen years of
age shall be deemed contrary to any express provision of
40 this Act as respects any society already registered.

(9.) For the purposes of this Act a certificate of the birth Limitation of
cost of cer-
tificates of
birth or
death.
or death of any member of or person insured with a registered
friendly society shall be given under his hand by the registrar of

A.D. 1875. births or deaths, or other person having the care of the register of births or deaths, in which such birth or death is entered, for a sum not exceeding one shilling, in place of all fees or payments in respect of the same, on application being made for the same in such form and under such regulations as shall be approved of by 5 the registrar general of births, deaths, and marriages.

Society may
subscribe to
hospitals.

(10.) A society may subscribe out of its funds to any hospital, infirmary, charitable or provident institution, any annual or other sum which may be necessary to secure to members of the society and their families the benefits of such hospital, infirmary, or other 10 institution, according to its rules.

Property and
funds of
societies.

16. With respect to the property and funds of registered societies, the following provisions shall have effect:

Investment
of funds.

(1.) The trustees, with the consent of the committee of management or of a majority of the members of a society present and 15 entitled to vote in general meeting, may from time to time invest the funds of such society, or any part thereof, to any amount in any of the following ways:

(a.) In the Post Office Savings Bank, or in any savings bank certified under the Act of 1863: 20

(b.) In the public funds:

(c.) With the Commissioners for the Reduction of the National Debt (for which purpose sections thirty-two, thirty-three, thirty-four, and thirty-five of the Act of the eighteenth and nineteenth Victoria, chapter sixty-three, and section 25 eight of the Act of the twenty-third and twenty-fourth Victoria, chapter fifty-eight, shall apply to societies registered under this Act): 25

(d.) In the purchase of land to the limited extent authorised by this Act: 30

(e.) Upon any other security expressly directed by the rules of the society, not being personal security, except as hereinafter authorised with respect to loans.

Holding of
land.

(2.) A society, or any branch of a society, may (if the rules thereof so provide) hold, purchase, or take on lease in the names of the 35 trustees for the time being of such society or branch, in every county where it has an office, any land not exceeding one acre, and may sell, exchange, mortgage, lease, or build upon the same (with power to alter and pull down buildings and again rebuild), and no purchaser, assignee, mortgagee, or tenant shall be bound to inquire as to the 40 authority for any sale, exchange, mortgage, or lease by the trustees, and the receipt of the trustees shall be a discharge for all moneys arising from or in connexion with such sale, exchange, mortgage,

or lease ; and for the purpose of this section no branch of a registered society need be separately registered ; provided that nothing in this section contained shall restrict the taking or holding of land by way of security. A.D. 1875.

5 (3.) All property belonging to a society shall be vested in and be under the control of the trustees for the time being of the society, for the use and benefit of the society and the members thereof, and of all persons claiming through the members according to the rules of the society ; and the property of any branch of a society
10 shall be vested in and be under the control of the trustees of such branch, or of the trustees of the society if the rules of the society so provide, for the use and benefit either of the members of such branch and persons claiming through such members, or of the members of the society generally, and persons claiming through
15 them, according to the rules of the society.

Property of
society, how
vested.

(4.) Upon the death, resignation, or removal of a trustee, whether of a society or branch, the property vested in such trustee vests in the succeeding trustees of such society or branch either solely or together with any surviving or continuing trustees, and
20 until the appointment of succeeding trustees in such surviving or continuing trustees only, or in the executors or administrators of the last surviving or continuing trustee, as personal estate (whether the same be real or personal), subject to the same trusts, without conveyance or assignment, except that stocks and securities in the
25 public funds of Great Britain and Ireland shall be transferred into the names of the succeeding trustees, either solely or jointly with any surviving or continuing trustees.

Devolution
on death, &c.

(5.) In all legal proceedings whatsoever concerning any such property the same shall be stated to be the property of the trustees
30 for the time being in their proper names as trustees for the society or branch (as the case may be) without further description.

(6.) Where a society is entitled in equity to any hereditaments of copyhold or customary tenure, either absolutely or by way of mortgage or security, the lord of the manor of which the same are
35 held shall from time to time, if the society so require, admit the trustees (not to exceed three) of such society as tenants in respect of such hereditaments, on payment of the usual fines, fees, and other dues payable on the admission of a single tenant.

As to copy-
holds.

(7.) A receipt under the hands of the trustees, countersigned by
40 the secretary, in the form specified by the rules of the society or any schedule thereto, for all moneys secured to the society by any mortgage or other assurance, such receipt being endorsed upon or annexed to such mortgage or other assurance, vacates the same,

Discharge of
mortgages by
receipt en-
dorsed.

A.D. 1875.

and vests the property therein comprised in the person entitled to the equity of redemption of the same, without reconveyance or resur-render; but this provision does not apply to Scotland.

Registration
of receipt.

(8.) If such mortgage or other assurance has been registered under any Act for the registration or record of deeds or titles, or is of 5 copyholds or lands of customary tenure and entered on any court rolls, the registrar under such Act, or recording officer, or steward of the manor, or keeper of the register, shall on production of such receipt, verified by oath of any person, enter satisfaction on the register or on the court rolls respectively of such mortgage or of 10 the charge made by such assurance, and shall grant a certificate, either upon such mortgage or assurance, or separately to the like effect, which certificate shall be received in evidence in all courts and proceedings without further proof, and such registrar, recording officer, steward, or keeper of the register is entitled 15 to a fee of *two shillings and sixpence* for making the said entry and granting the said certificate, and such fee shall in Ireland be paid by stamps and applied as the other fees of the Registry of Deeds Office and Record of Title Office are by law directed to be paid and applied. 20

Punishment
of fraud or
misappropriation.

(9.) If any person whosoever obtains possession by false representation or imposition of any property of a society, or having the same in his possession withholds or misapplies the same, or wilfully applies any part thereof to purposes other than those expressed or directed in the rules of the society and authorised by this Act, he shall, 25 on the complaint of the society, or of any member authorised by the society or by the central office, or of the chief registrar or any assistant registrar by his authority, be liable on summary conviction to a penalty not exceeding *twenty pounds* with costs not exceeding *twenty shillings*, and to be ordered to deliver up 30 all such property, or to repay all moneys applied improperly, and in default of such delivery or repayment, or of the payment of such penalty and costs aforesaid, to be imprisoned, with or without hard labour, for any time not exceeding *three months*; but nothing herein contained prevents any such person from 35 being proceeded against by way of indictment, if not previously convicted of the same offence under the provisions of this Act.

Trustees
not to be
personally
liable.

(10.) Trustees of a society are not liable to make good any deficiency in the funds of such society, but are liable only for moneys actually received by them respectively on account of such society. 40

Loans to
members.

17. With respect to loans to members of registered societies, the following provisions shall have effect :

(1.) Not more than one half of the amount of an assurance on the life of a member of at least one full year's standing may be

advanced to him, on the written security of himself and two satisfactory sureties for repayment; and the amount advanced, with all interest thereon, may be deducted from the sum assured, without prejudice in the meantime to the operation of such security. A.D. 1875.

5 (2.) A society may, out of any separate loan fund to be formed by contributions or deposits of its members, make loans to its members on their personal security, with or without sureties, as may be provided by the rules, subject to the following restrictions: Loans may be made out of separate loan fund.

10 (a.) No loan can at any time be made out of moneys contributed for the other purposes of the society:

(b.) No member shall be capable of holding any interest in the loan fund exceeding *two hundred pounds*:

(c.) No society shall make any loan to a member on personal security beyond the amount fixed by the rules:

15 (d.) No society shall hold at any one time on deposit from its members any moneys beyond the amount fixed by the rules, which shall not exceed two thirds of the total sums for the time being owing to the society by the members who have borrowed from the loan fund.

20 18. The rules of a society may provide for accumulating at interest, for the use of any member of the same, any surplus of his contributions to the funds of the society which may remain after providing for any assurance in respect of which the same are paid, and for the withdrawal of such accumulations from time to time. Accumulating surplus of contributions for member's use.

25 19. With respect to officers of registered societies having receipt or charge of money, the following provisions shall have effect:— Officers in receipt or charge of money.

30 (1.) Every officer shall, before taking upon himself the execution of his office, become bound with one sufficient surety at the least in a bond according to the form set forth in the third schedule to this Act, or give the security of a guarantee society, in such sum as the society directs, conditioned for his rendering a just and true account of all moneys received and paid by him on account of the society at such times as its rules appoint, or as the society or the trustees or committee of management thereof require Security to be given.

35 him to do so, and for the payment by him of all sums due from him to the society.

(2.) Every officer, his executors or administrators, shall, at such times as by the rules of the society he should render account, or upon demand made, or notice in writing given or left at his last or usual place of residence, give in his account as may be required by the society, or by the trustees or committee of management of the society, to be examined and allowed or disallowed by them, and shall, on the like demand or notice, pay over all moneys and deliver

A.D. 1875. all property being in his hands or custody to such person as the society or the trustees appoint; and in case of any neglect or refusal to deliver such account, or to pay over such moneys or to deliver such property in manner aforesaid, the trustees or authorised officers of the society may sue upon the bond or security before 5 mentioned, or may apply to the county court, which may proceed in a summary way, and whose order shall be final and conclusive.

Legal proceedings.

20. With respect to legal proceedings against registered societies, the following provisions shall have effect;

(1.) The trustees of any society or branch, or any other officers 10 authorised by the rules thereof, may bring or defend, or cause to be brought or defended, any action, suit, or other legal proceeding in any court whatsoever, touching or concerning any property, right, or claim of the society or branch, as the case may be, and shall sue and be sued, implead and be impleaded, in their proper 15 names, without other description than the title of their office.

(2.) In legal proceedings which may be brought under this Act by a member or person claiming through a member, the society may also be sued in the name of any officer or person who receives contributions or issues policies on behalf of the society 20 within the jurisdiction of the court in which the legal proceeding is brought, with the addition of the words "on behalf of the society" (naming the same).

(3.) No legal proceeding shall abate or be discontinued by the death, resignation, or removal from office of any officer, or by any 25 act of such officer after the commencement of the proceedings.

(4.) The summons to be issued to the officer or other person sued on behalf of a society may be served by leaving the same at the registered office of the society, or at any place of business of the society within the county in which the proceeding is brought. 30

Disputes.

21. Every dispute between a member or person claiming through a member or under the rules of a registered society, and the society or an officer thereof, shall be decided in manner directed by the rules of the society, and the decision so made shall be binding and conclusive on all parties without appeal, and shall not be re- 35 movable into any court of law or restrainable by injunction; and application for the enforcement thereof may be made to the county court.

Provided as follows:—

(a.) The parties to a dispute in a society may, by consent 40 (unless the rules of such society otherwise direct), refer such dispute to the chief registrar, who shall, with the consent of the Treasury, either by himself or by any registrar, hear and determine such dispute, and shall

A.D. 1875.

have power to order the expenses of determining the same to be paid either out of the funds of the society or by such parties to the dispute as he shall think fit, and such determination and order shall have the same effect and be enforceable in like manner as a decision made in the manner directed by the rules of the society :

(b.) The chief or other registrar to whom any dispute is referred may administer oaths, and may require the attendance of all parties concerned, and of witnesses, and the production of all books and documents relating to the matter in question ; and any person refusing to attend, or to produce any documents, or to give evidence before such chief or other registrar, shall be guilty of an offence under this Act :

(c.) Where the rules of a society direct that disputes shall be referred to justices, the dispute shall be determined by a court of summary jurisdiction :

(d.) Where the rules contain no direction as to disputes, or where no decision is made on a dispute within forty days after application to the society for a reference under its rules, the member or person aggrieved may apply either to the county court, or to a court of summary jurisdiction, which may hear and determine the matter in dispute :

(e.) The court, chief or other registrar, or other person empowered to decide a dispute may, at the request of either party, state a case for the opinion of the Supreme Court of Judicature on any question of law, and may also grant to either party such discovery as to documents and otherwise as might be granted by any court of law or equity, such discovery to be made on behalf of the society by such officer of the same as such court, registrar, or person may determine.

22. Upon the application of three eighths of the whole number of members of a registered society, or of one hundred members in the case of a society of one thousand members and not exceeding ten thousand, or of five hundred members in the case of a society of more than ten thousand members, the chief registrar, or the assistant registrar for Scotland or Ireland by his direction, but with the consent of the Treasury in every case, may—

Special powers of registrars to be exercised on application from members.

(1.) Appoint one or more inspectors to examine into the affairs of such society, and to report thereon, who may require the production of all or any of the books and documents of the society, and may examine on oath its officers, members, agents, and

Inspectors.

A.D. 1875. servants in relation to its business, and may administer such oath accordingly :

Special
meetings.

(2.) Call a special meeting of the society in such manner as the chief registrar, or such assistant registrar by his authority, may direct, and may direct what matters shall be discussed and deter- 5 mined on at such meeting, which shall have all the powers of a meeting called according to the rules of the society, and shall in all cases have power to appoint its own chairman, any rule of the society to the contrary notwithstanding.

Provided that—

10

(a.) The application herein mentioned shall be supported by such evidence, for the purpose of showing that the applicants have good reason for requiring such inspection to be made or meeting to be called, and that they are not actuated by malicious motives in their application, and such notice 15 thereof shall be given to the society, as the chief registrar shall direct :

(b.) The chief registrar may, if he think fit, require the applicants to give security for the costs of the proposed inspection or meeting, before appointing any inspector or 20 calling such meeting :

(c.) All expenses of and incidental to any such inspection or meeting shall be defrayed either by the members applying for the same, or out of the funds of the society, as the chief registrar shall direct. 25

(d.) This section shall not apply to a society with branches, unless with the consent of the central body of such society.

Special reso-
lutions and
proceedings
which may
be taken
thereon.

Special
resolutions.

23. With respect to special resolutions by registered societies, and to the proceedings which may be taken by virtue thereof, 30 the following provisions shall have effect :

(1.) A special resolution must be passed by a majority of not less than three-fourths of such members of a society for the time being entitled under the rules to vote as may be present in person or by proxy (where the rules allow proxies) at any general meeting 35 of which notice specifying the intention to propose such resolutions has been duly given according to the rules, and must be confirmed by a majority of such members for the time being entitled under the rules to vote as may be present, in person or by proxy, at a subsequent general meeting of which notice has been duly given, 40 held not less than fourteen days nor more than one month from the day of the meeting at which such resolution was first passed. At any meeting mentioned in this section a declaration by the chairman that the resolution has been carried shall be deemed conclusive evidence of the fact.

(2.) A society may, by special resolution, with the approval in writing of the chief registrar, change its name; but no such change shall affect any right or obligation of the society, or of any member thereof, and any pending legal proceedings may be continued by or against the trustees of the society, or any other officer who may sue or be sued on behalf of such society, notwithstanding its new name.

A.D. 1875.
Change of
name.

(3.) Any two or more societies may, by special resolution of both or all such societies, become amalgamated together as one society, with or without any dissolution or division of the funds of such societies or either of them; and any society may, by special resolution, transfer its engagements to any other registered society which may undertake to fulfil the engagements of such society.

Amalgama-
tion of so-
cieties.

(4.) A society may by special resolution determine to convert itself into a company under the Companies Acts, or to amalgamate with or transfer its engagements to any such company.

Conversion
of societies
into com-
panies, &c.

(5.) No amalgamation or transfer of engagements shall prejudice any right of a creditor of either or any society party thereto.

Rights of
creditors.

(6.) A copy of every special resolution for any of the purposes mentioned in this section, signed by the chairman of the meeting and countersigned by the secretary, shall be sent to the central office and registered there, and until such copy is so registered, such special resolution shall not take effect.

Registration
of special
resolutions.

(7.) If a special resolution for converting a society into a company contains the particulars by the Companies Act, 1862, required to be contained in the memorandum of association of a company, and a copy thereof has been registered at the central office, a copy of such resolution under the seal or stamp of the central office shall have the same effect as a memorandum of association duly signed and attested under the said Act.

Registration
of copy of
special
resolution
as memo-
randum of
association.

(8.) If a society be registered as, or amalgamates with, or transfers all its engagements to a company, the registry of such society under this Act thereupon becomes void, and the same shall be cancelled by the chief registrar; but the registration of a society as a company shall not affect any right or claim for the time being subsisting against such society, or any penalty for the time being incurred by such society; and for the purpose of enforcing any such right, claim, or penalty, the society may be sued and proceeded against in the same manner as if it had not become registered as a company; and every such right or claim, or the liability to such penalty, has priority as against the property of such company, over all other rights or claims against or liabilities of such company.

Registry of
society
under Act
to become
void on
registration
as a com-
pany, &c.

A.D. 1875. Provided as follows as respects friendly societies :

Proviso as to
friendly
societies.

(a.) No special resolution by any society for any amalgamation or transfer of engagements under this section is valid unless five sixths in value (to be calculated as for dissolution) of the members assent thereto either at the meetings at which such resolution is passed and confirmed, or one of them, or in writing, if such members were not present thereat, nor without the written consent of every person for the time being receiving or entitled to any relief, annuity, or other benefit from the funds of the society, unless the claim of such person be first duly satisfied, or adequate provision be made for satisfying such claim :

(b.) The provisions herein-after contained in case of dissolution as to the punishment of officers and the remedy of members or persons dissatisfied with the provision made for satisfying their claims, shall apply to the case of amalgamation and transfer of engagements :

(c.) Upon application of the trustees of a society desiring to amalgamate or transfer its engagements, notice of such application being published in the Gazette, the chief registrar, after hearing such trustees and any other persons whom he considers entitled to be heard upon the application, may, with the consent of the Treasury, order that any of the consents and conditions prescribed in this Act, or in any regulations made under this Act, be dispensed with, and may confirm the amalgamation or transfer.

(d.) This section shall not apply to branches.

Dissolution
of societies.

24. With respect to the dissolution of registered societies, the following provisions shall have effect :

How societies
may be dis-
solved.

(1.) A society may terminate or be dissolved in any of the following ways :

(a.) Upon the happening of any event declared by its rules to be the termination of the society :

(b.) By dissolution in manner prescribed by its rules :

(c.) As respects all societies other than friendly societies, by the consent of three fourths of the members, testified by their signatures to the instrument of dissolution :

(d.) As respects friendly societies, by the consent of five sixths in value of the members (including honorary members, if any), testified by their signatures to the instrument of

dissolution, and also by the written consent of every person for the time being receiving or entitled to receive any relief, annuity, or other benefit from the funds of the society, unless the claim of such person be first duly satisfied, or adequate provision made for satisfying such claim :

A.D. 1875.

(e.) By the award of the chief registrar in the cases herein specified.

(2.) The instrument of dissolution shall set forth—

Contents of
instrument
of dissolu-
tion.

(a.) The liabilities and assets of the society in detail :

(b.) The number of members and the nature of their interests in the society respectively :

(c.) The claims of creditors (if any), and the provision to be made for their payment :

(d.) The intended appropriation or division of the funds and property of the society unless the same be left to the award of the chief registrar :

(e.) The names of one or more persons to be appointed trustees for the special purpose of winding up, and their remuneration (if any).

(3.) Alterations in the instrument of dissolution may be made with the like consents as herein-before provided, testified in the same manner.

Alterations
in instru-
ment of dis-
solution.

(4.) A statutory declaration shall be made by one of the trustees, or by three members and the secretary of the society, that the provisions of this Act have been complied with, and shall be sent to the registrar with the instrument of dissolution.

Statutory
declaration.

(5.) The instrument of dissolution and all alterations therein shall be registered in manner herein provided for the registry of rules, and shall be binding upon all the members of the society.

Registry of
instrument of
dissolution.

(6.) The registrar shall cause a notice of the dissolution to be advertised in the manner provided by this Act for advertising an award of the registrar for dissolution; and unless within three months from the date of the Gazette in which such advertisement appears, a member or other person interested in or having any claim on the funds of the society commences proceedings to set aside the dissolution of the society, the society shall be legally dissolved from the date of such advertisement, and the requisite consents to the instrument of dissolution shall be considered to have been duly obtained without proof of the signatures thereto.

Notice of
dissolution.

(7.) As respects friendly societies :

(a.) The value of members shall be ascertained by giving one vote to every member, and an additional vote for every

Special pro-
visions as to
friendly
societies.

A.D. 1875.

five years that he has been a member, but to no one member more than five votes in the whole :

- (b.) No instrument of dissolution shall direct or contain any provision for a division or appropriation of the funds of the society, or any part thereof, otherwise than for the purpose of carrying into effect the objects of the society as declared in the rules thereof for the time being, unless the claim of every member or person claiming any relief, annuity, or other benefit from the funds thereof be first duly satisfied, or adequate provision be made for satisfying such claim :
- (c.) Any officer or person aiding or abetting in the dissolution of a society, otherwise than as in this Act provided, shall, on conviction by two justices, be liable to be committed to the common gaol or house of correction, there to be kept to hard labour for any term not exceeding three months :
- (d.) If any member of a dissolved society, or person claiming any relief, annuity, or other benefit from the funds thereof, be dissatisfied with the provision made for satisfying his claim, such member or other person may apply to the county court of the district within which the chief or any other place of business of the society is situate for relief or other order, and such court shall have the same powers in the matter as in regard to the settlement of disputes under this Act.

Dissolution
by award, &c.

- (8.) With respect to dissolutions and the distribution of funds upon the award of the chief registrar :

- (a.) Upon the application of three-eighths of the whole number of members of any registered society, or of one hundred members in the case of a society of one thousand members and not exceeding ten thousand, or of five hundred members in the case of a society of more than ten thousand members, made in writing under their hands, setting forth that the funds of the society are insufficient to meet the existing claims thereon, or that the rates of contribution fixed in the rules of such society are insufficient to cover the benefits assured, and the grounds upon which such insufficiency is alleged, and requesting an investigation into the affairs of such society with a view to the dissolution thereof, the chief registrar may by himself, or by any assistant registrar, or by any actuary or public auditor whom the chief registrar may appoint in writing under his hand, investigate the

A.D. 1875.

affairs of the society, giving nevertheless not less than two months previous notice in writing to the society whose affairs are to be investigated at the registered office of such society:

5 (b.) If upon such investigation it appears that the funds of the society are insufficient to meet the existing claims thereon, or that the rates of contribution fixed in the rules of the society are insufficient to cover the benefits assured to be given by the same, the chief registrar may, if he considers it expedient so to do, award that the society shall be dissolved, and its affairs wound up, and shall direct in what manner the assets of the society shall be divided or appropriated:

15 (c.) A registrar proceeding under this section has all the same powers and authorities as in the case of a dispute referred to him under this Act:

20 (d.) Every award under this section, whether for dissolution or distribution of funds, is final and conclusive on the society in respect of which the same is made, and on all members of the same, and other persons having any claim on the funds of the society, without appeal, and shall be enforced in the same manner as a decision on a dispute under this Act; and the expenses of every investigation and award, and of publishing every notice of dissolution, shall be paid out of the funds of the society before any other appropriation thereof shall be made:

30 (e.) Notice of every award for dissolution shall, within twenty-one days after the same shall have been made, be advertised by the central office in the Gazette, and unless, within three months from the date of the Gazette in which such advertisement appears, a member or other person interested in or having any claim on the funds of the society commences proceedings to set aside the dissolution of the society, consequent upon such award, the society shall be legally dissolved from the date of such advertisement, and the requisite consents to the application to the registrar shall be considered to have been duly obtained without proof of the signatures thereto.

40 (9.) The provisions of the present section shall not apply to any society having branches without the consent of the central body of such society.

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Militiamen
and volun-
teers not to
lose benefits.

25. No person by reason of his enrolment or service in the militia or in the naval coast volunteers, or in the Royal Naval volunteers, or in any corps of yeomanry or volunteers, shall lose or forfeit any interest he possesses at the time of his being so enrolled or serving in any friendly society, registered or unregistered, 5 any rules of such society to the contrary notwithstanding, and any dispute between any such society and such person by reason of such enrolment or service shall be decided by a court of summary jurisdiction under this Act; but if the rules of a society cer-
tified before the twenty-third day of July one thousand eight 10
hundred and fifty-five, and in force at the time of such enrolment or service, provide that a member shall be deprived of any benefit by reason of such enrolment or service, the society may require of such member a contribution exceeding the rate of contribution
otherwise payable by him to an amount not exceeding one tenth 15
of such rate during the time such member shall be serving out of the United Kingdom, or may suspend all claim of such member to any benefits assured by the society, and all claim of the society to any contributions payable by such member, during the time
only he may be serving out of the United Kingdom, but so that 20
if he return to the United Kingdom he shall forthwith be replaced on the same footing as before he went abroad on service.

Limitations
of benefits.

26. No member of a registered friendly society, nor any person claiming through a member, shall be entitled to receive more than two hundred pounds by way of gross sum, or (except 25 as provided by section six of this Act) thirty pounds a year by way of annuity, from any one or more such societies; and any such society may require a member, or person claiming through a member, to make and sign a declaration that the total amount to which such member or person is entitled from one or more such 30 societies does not exceed the sums aforesaid; and any person knowingly making a false or fraudulent declaration in the matter shall be guilty of a misdemeanor.

Payments on
death of
children.

Limitation
of payments.

27. With respect to payments on the death of children under ten years of age, the following provisions shall have effect:— 35

(1.) No society shall insure or pay on the death of a child under three years of age, any sum of money which, added to any amount for which the life of such child is insured in any other society, exceeds three pounds; or on the death of a child under five years of age any sum of money which, added to any amount 40 for which the life of such child is insured in any other society,

exceeds six pounds, or on the death of a child under ten years of age any sum of money which, added to any amount for which the life of such child is insured in any other society, exceeds ten pounds. A.D. 1875.

5 (2.) No society shall pay any sum on the death of a child under ten years of age except to the parent of such child, or to the personal representative of such parent, and upon the production by such parent or his personal representative of a certificate of death containing the particulars after mentioned. Who may receive payments.

10 (3.) Whenever a certificate of the death of a child is applied for for the purpose of obtaining a sum of money from a society, the name of such society and the sum sought to be obtained therefrom shall be stated to the registrar of deaths, who shall write on or at the foot of such certificate the words "to be produced to the

15 "society" (naming the same) "for payment of the sum of £7." (stating the same), and all certificates of the same death shall be numbered in consecutive order. Particulars of certificates.

(4.) No registrar of deaths shall give any one or more certificates of death for the payment in the whole of any sum of money exceeding
20 three pounds on the death of a child under three years of age, or for the payment in the whole of a sum exceeding six pounds on the death of a child under five years, or for the payment in the whole of a sum exceeding ten pounds on the death of a child under ten years; and no such certificate shall be granted except upon the production
25 of such medical certificate of the probable cause of death as the registrar of deaths shall deem sufficient. Registrars of deaths only to give certificates in certain cases.

(5.) Any society to which is produced a certificate of the death of a child which does not purport to be the first shall, before paying any money thereon, be bound to inquire whether any and what sums
30 of money have been paid on the same death by any other society. Inquiry to be made by societies.

(6.) It shall be an offence under this Act—

(a.) If any society pays money on the death of a child under ten years of age otherwise than is provided by this Act;
35 (b.) If any parent or personal representative of a parent claiming money on the death of a child produces any certificate of such death other than is herein provided to the society or societies from which the money is claimed, or produces a false certificate, or one fraudulently obtained, or in any way attempts to defeat the
40 provisions of this Act with respect to payments upon the death of children. Offences under this section.

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Extent of
word
"society."Assurances
on children's
lives not to
be void
under
14 Geo. 3.
c. 48.Insurable
interests.Societies
with
branches.
How to be
registered.Recording of
branch rules.Notices of
establish-
ment of new
branches.

(7.) The word "society" in the present section shall include all persons and bodies corporate or unincorporate assuring the payment of money on the death of children under the age of ten years.

(8.) No assurance made or to be made by any person or body corporate or unincorporate, not being a registered society, of a sum of money payable on the death of a child under the age of ten years, which would be valid if effected with a registered society, shall be invalidated by reason of any provision contained in the Act of the fourteenth year of His late Majesty King George the Third, chapter forty-eight, for regulating insurances upon lives and for prohibiting all such insurances except in cases where the person insuring shall have an interest in the life of the persons insured.

(9.) Provided that nothing in this section contained shall apply to insurances on the lives of children of any age, where the person insuring has an interest in the life of the person insured, or to existing contracts.

28. The provisions of the present section apply only to societies having branches :

(1.) The application for registry shall be accompanied with--

(a.) A list of every branch, and of the place wherein the same is established :

(b.) If any branch is to have officers authorised to sue and be sued on its behalf other than the officers authorised to sue and be sued on behalf of the society, a list of the names of all such officers, distinguishing the branches for which they are authorised to sue and be sued :

(c.) If the rules of all the branches (herein called branch rules) are or are intended to be identical, a statement to that effect, and copies of such rules :

(d.) If the branch rules are not or are not intended to be identical, a statement to that effect, and copies of all branch rules.

(2.) A society having a fund under the control of a central body to which every branch is bound to contribute may be registered as a single society.

Where such society has branches in more than one country, the provision herein contained as to the registry of societies doing business in more than one country shall apply to the society.

(3.) Notice of the establishment of every new branch by a registered society, and of the place where the same is established, and if such branch is to have officers authorised to sue and be sued

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on its behalf other than the officers authorised to sue and be sued on behalf of the society, the names of such officers, and a statement whether or not the rules of such branch are identical with those of the other branches of the society, and if not so a copy
 5 of the rules of such branch, shall be sent under the hand of the secretary to the registrar whom it may concern.

(4.) Until a copy of the rules of a branch (in the case herein-
 before mentioned) has been registered in the country in which such
 branch is established, the society is not entitled to any of the pri-
 10 vileges of this Act in respect of such branch, and until a copy of
 any amendment of the rules of a branch has been so registered the
 same does not take effect as respects such branch.

Until copies
 of branch
 rules regis-
 tered, Act
 not to apply
 to branch.

(5.) The provisions of this Act as to appeals, and the result
 thereof, as to amendments of rules, as to the acknowledgment of
 15 registry, and the evidence of registry and of rules, apply to branch
 rules.

Application
 of previous
 provisions.

(6.) Where a society has no fund under the control of a central
 body to which every branch is bound to contribute, every branch is
 deemed to be and must be registered as a separate society, whether
 20 its rules are identical with those of other branches or not.

Where
 branches
 must be
 separately
 registered.

29. The provisions of the present section apply only to friendly
 societies receiving contributions in more counties than one (whether
 of England, Scotland, or Ireland) by means of collectors.

(1.) Every person becoming a member of or insuring with a
 25 society shall receive a copy of the rules of the society, together
 with a printed policy signed by two of the committee or managers
 of the society and by the secretary, at a price not exceeding one
 penny for the rules and one penny for the policy.

Societies
 receiving
 contributions
 in two or
 more coun-
 ties by
 collectors.

(2.) No forfeiture is incurred by any member or person insured
 30 by reason of any default in paying any contribution, until after
 a written or printed notice has been sent to him by or on behalf of
 the society, stating the amount due by him, and apprizing him that in
 case of default of payment by him at a reasonable time and place,
 to be specified in such notice, his interest or benefit will be forfeited,
 35 and after default has been made by him in paying his contribution
 in accordance with such notice.

Members
 to receive
 copies of
 rules and
 policies.

Notice to
 be given
 before for-
 feiture.

(3.) No member of or person insured with any society can become
 or be made a member of or be insured with any other society, or
 any company registered under the Companies Acts, without his
 40 written consent; and, notwithstanding any attempt to transfer any
 member or person insured from one society to another, or to a

No trans-
 fers without
 written
 consent.

A.D. 1875. company as aforesaid, without such consent, the society from which he is sought to be transferred remains liable to fulfil all its engagements towards such member or person, and all persons claiming through him; and the society or company to which such member or person is sought to be transferred shall within seven 5 days from his application for admission to the same give notice thereof in writing to the society from which he is sought to be transferred.

No collector to be member of committee of management.

(4.) No collector, whilst he is such, whether in person or by any deputy or substitute, is capable of being a member of the 10 committee of management, or other governing body (by whatever name) of the society, or of holding any other office in the society, except that of superintending collectors within an area to be from time to time specified.

Collectors not to vote.

(5.) No collector of a society is capable of voting at or taking 15 part in the proceedings of any meeting of the same.

One general meeting every year. Notices of meetings.

(6.) At least one general meeting of the members shall be held in every year.

(7.) Notice of every general meeting shall be given by the society to the members by advertisement to be published at least twice in 20 two or more of the newspapers in general circulation in every county where the society carries on business, or by letter or postcard sent prepaid to every member. Such notice shall specify the day, hour, and place, and the objects of the meeting, and in case any new rule or amendment of a rule is intended to be proposed shall 25 contain a copy of every such new rule or amendment; and the last of such advertisements shall be published or such letters or postcards as aforesaid shall be sent at least fourteen days before the day appointed for such meeting, and a copy of such notice shall be affixed in legible characters in some conspicuous place in or outside of 30 every office at which the business of the society is carried on.

Balance sheets.

(8.) A copy of every balance sheet of a society shall, during the seven days next preceding the meeting at which the same is to be presented, be open for inspection at every office at which the business of the society is carried on, and shall be sent prepaid to 35 every member on demand.

Certification of annual returns.

(9.) The annual returns shall be certified by some person not an officer of the society, carrying on publicly the business of an accountant, and if not so certified shall be deemed not to have been made. 40

Disputes.

(10.) In all disputes between a society and any member or person insured, or any person claiming through a member or person

insured, or under the rules, such member or person may, notwithstanding any provisions of the rules of such society to the contrary, apply to the county court, or to the court of summary jurisdiction for the place where such member or other person resides, and such court may settle such dispute in manner herein provided.

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(11.) It shall be an offence under this Act—

Offences
under this
section.

(a.) If any collector of a society to which this section applies becomes a member of the committee, or holds any other office in the same (except as aforesaid), or if any member of the committee of management becomes a collector, or if any collector votes at or takes part in the proceedings of a general meeting :

(b.) If any person attempts to transfer a member or person insured from one society to another, or to a company, without the written consent of such member or person :

(c.) If a society or company to which a member or person is sought to be transferred fails to give such notice as hereinbefore required.

(12.) All the provisions of the present section apply to societies existing at the commencement of this Act, and shall be contained in the rules of all future societies to which this section applies; and, except the provision numbered (9), the same shall apply to all societies to which this section applies, whether registered or unregistered, existing for any purpose mentioned in section eight of this Act; and any act or omission which by virtue of this and of any preceding section would be an offence under this Act on the part of a registered society shall be an offence on the part of an unregistered society.

Provisions
of present
section to be
contained in
rules.

30. The provisions of the present section apply only to registered cattle insurance societies, and to such specially authorized societies as the Treasury may allow to take the benefit of the present section :

As to cattle
insurance
and certain
other
societies.

(1.) The rules bind the society and the members thereof, and all persons claiming through them respectively, to the same extent as if each member had subscribed his name and affixed his seal thereto, and there were in such rules contained a covenant on the part of himself, his heirs, executors, and administrators, to conform to such rules subject to the provisions of this Act.

Rules to
have effect
of covenant
by members.

(2.) All moneys payable by a member to the society are deemed to be a debt due from such member to the society, and are recoverable as such in the county court of the district in which the place

Money pay-
able by
members to
be recover-
able as debt.

[2.]

D 4

A.D. 1875. or principal place of business of the society is situate, or in which such member resides.

Penalties. **31.** With respect to penalties under this Act, the following provisions shall have effect :

Penalty for falsification. (1.) If any person wilfully makes or orders to be made any entry in or omission from any balance sheet of a registered society, or any return or document required for the purposes of this Act, with intent to falsify the same, he is liable to a penalty not exceeding *fifty pounds*, recoverable at the suit of the chief or any assistant registrar. 5 10

Penalties for ordinary offences. (2.) Every society, officer or member of a society, or other person guilty of an offence under this Act for which no penalty is expressly provided herein is liable to a penalty of not less than *one pound* and not more than *five pounds*, recoverable at the suit of the chief or any assistant registrar or of any person aggrieved. 15

Recovery of penalties. (3.) All penalties imposed by this Act, or to be imposed by any regulations under the same, or by the rules of a registered society, are recoverable in a court of summary jurisdiction.

Summary procedure and appeals. **32.** With respect to summary procedure and appeals from orders or convictions thereon made, the following provisions shall have 20 effect :

(1.) In England and Ireland all offences and penalties under this Act may be prosecuted and recovered, in the manner directed by the Summary Jurisdiction Acts, in the place where the registered office of the society is, or where the offence has been committed. 25

(2.) In England and Ireland summary orders under this Act may be made and enforced on complaint before a court of summary jurisdiction in the manner provided by the Summary Jurisdiction Acts.

(3.) The court of summary jurisdiction, when hearing and determining an information or complaint, shall consist as follows :—

In England—

(a.) In any place within the jurisdiction of a metropolitan police magistrate or other stipendiary magistrate, of such magistrate or his substitute : 35

(b.) In the city of London, of the lord mayor or any alderman of that city :

(c.) In any other place, of two or more justices of the peace sitting in petty sessions. 40

In Ireland— 40

(a.) In the police district of Dublin metropolis, of a divisional justice :

(b.) In any other place, of a resident magistrate

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(4.) In Scotland—

(a.) All offences and penalties under this Act shall be prosecuted and recovered by the procurator fiscal of the county in the Sheriff Court, under the provisions of the Summary Procedure Act, 1864:

(b.) Summary orders may be made and enforced on complaint in the Sheriff Court:

(c.) All penalties may be enforced in default of payment by imprisonment for a term to be specified in the summons or complaint, but not exceeding three months:

(d.) All penalties recovered shall be paid to the sheriff clerk, and by him accounted for and paid to the Queen's and Lord Treasurer's Remembrancer on behalf of the Crown:

(e.) The sheriffs and their substitutes shall have all jurisdiction, power, and authority necessary for giving effect to these provisions.

(5.) In any information or complaint under this Act it is sufficient to describe the offence in the words of this Act, and no exception, exemption, proviso, excuse, or qualification accompanying the description of the offence in this Act need be specified or negatived.

Description
of offences.

(6.) In England or Ireland any party may appeal from any order or conviction made by a court of summary jurisdiction on determining any complaint or information under this Act as follows:

Appeals.

(a.) The appeal shall be made to some court of general or quarter sessions for the county or place in which the cause of appeal has arisen, holden not less than fifteen days and not more than four months after the decision appealed from:

(b.) The appellant shall within seven days after the cause of appeal has arisen give notice to the other party and to the court of summary jurisdiction of his intention to appeal, and of the ground thereof:

(c.) The appellant shall immediately after such notice enter into a recognizance before a justice of the peace in the sum of ten pounds, with two sufficient sureties in the sum of ten pounds, conditioned personally to try such appeal, and to abide the judgment of the court thereon, and to pay costs if awarded:

(d.) Where the appellant is in custody, the justice may, on the appellant entering into such recognizance as aforesaid, release him from custody:

[2.] E

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(e.) The court of appeal may adjourn the appeal, and upon the hearing thereof may confirm, reverse, or modify the decision of the court of summary jurisdiction, or remit the matter to such court with the opinion of the court of appeal thereon, or make such other order in the matter as the court thinks just :

(f.) If the matter be remitted to the court of summary jurisdiction, such court shall thereupon rehear and decide the information or complaint in accordance with the opinion of the court of appeal.

10

(7.) In Scotland any person may appeal from any order or conviction under this Act to the next circuit court of justiciary, or where there are no circuit courts to the High Court of Justiciary at Edinburgh, in manner prescribed by the Act of the twentieth year of His Majesty King George the Second, chapter forty-three, in regard to appeals to circuit courts in matters criminal, as the same may be altered or amended by any Acts of Parliament for the time being in force.

Regulation
of proceed-
ings in
county
courts.

33. Proceedings under this Act by and before the judges of county courts may be regulated in England by any rules and orders of court to be made in that behalf under the Supreme Court of Judicature Act, 1873, in Scotland by any acts of sederunt of the Court of Session, and in Ireland by any orders made by the Lord Chancellor, and until otherwise provided are regulated by such rules and orders, and acts of sederunt made under the forty-third section of the Act of the eighteenth and nineteenth years of Her present Majesty, chapter sixty-three, as may be in force at the commencement of this Act.

Public
auditors.

34. The Treasury may from time to time appoint public auditors for the purposes of this Act, and may determine from time to time the rates of remuneration to be paid by societies for the services of such auditors; but the employment of such auditors is not compulsory on any society.

Fees.

35. The Treasury may determine a scale of fees to be paid for matters to be transacted or for the inspection of documents under this Act; but no fee shall be payable on the registry of any friendly, benevolent, or cattle insurance society, or working men's club, or of any amendment of the rules of the same.

All fees which may be received by any registrar under or by virtue of this Act shall be paid into the receipt of Her Majesty's Exchequer.

[37]

36. The Treasury shall, out of money to be provided by Parliament, pay to the chief and assistant registrars such salaries or other remunerations respectively, and such sums of money for defraying the expenses of office rent, salaries of clerks and servants, remuneration for actuaries, accountants, and inspectors, stationery, computation of tables, publication of documents, diffusion of information, expenses of prosecutions, travelling expenses and other allowances of the chief or any assistant registrar, and other expenses which may be incurred for carrying out the purposes of this Act, and may also pay to any public auditors to be appointed under this Act such remuneration (if any) as the Treasury shall from time to time allow.

A.D. 1875.

Payment of salaries and expenses.

37. The Treasury may from time to time make regulations respecting registry and procedure under this Act, and the seal and forms to be used for such registry, and the duties and functions of the registrar, and the inspection of documents kept by the registrar under this Act, and generally for carrying this Act into effect.

Regulations to be made for carrying out the Act.

All such regulations shall be laid before both Houses of Parliament within ten days after the approval thereof if Parliament is then sitting, or if not then sitting, then within ten days from the then next assembling of Parliament.

Until otherwise provided, the forms contained in the fourth schedule to this Act shall be used.

38. Every instrument or document, copy or extract of an instrument or document, bearing the seal or stamp of the central office, shall be received in evidence without further proof; and every document purporting to be signed by the chief or any assistant registrar, or any inspector, or public auditor under this Act, shall, in the absence of any evidence to the contrary, be received in evidence without proof of the signature.

Evidence of documents.

39. With respect to the Isle of Man the provisions of this Act shall be varied as follows :

Application of Act to Isle of Man.

(1.) The term "county court" means the Court of Chancery of the said Isle, in which court the proceedings under this Act may be regulated by rules and orders to be made in that behalf by the court, and, until otherwise provided, shall be regulated according to the ordinary practice of such court :

(2.) The term "the Companies Acts" means the law for the time being in force in the said Isle for the regulating and winding up of companies :

[2.]

E 2

A.D. 1875.

(3.) The term "Summary Jurisdiction Act" means the law for the time being in force in the said Isle for regulating the exercise of summary jurisdiction by justices of the peace :

(4.) All offences and penalties under this Act shall be prosecuted and recovered summarily before a high bailiff or two justices of the peace at the suit or instance of a registrar or of a head constable :

(5.) All penalties recovered under this Act shall be paid to the treasurer of the said Isle, and be added to the general revenue of the said Isle :

(6.) Any person may appeal from any order or conviction to be made in a case of summary jurisdiction under this Act in the manner prescribed by the law in force in the said Isle as to appeals in cases of summary jurisdiction.

SCHEDULES.

SCHEDULE I.

ACTS AND ENACTMENTS REPEALED.

	Date of Act.	Title of Act.	Extent of Repeal.
5	17 & 18 Vict. c. 105.	An Act to amend the Law relating to the Militia in Scotland and Wales.	Section 44.
	18 & 19 Vict. c. 63.	An Act to consolidate and amend the Law relating to Friendly Societies.	The whole, except sections 33, 34, and 35.
10	21 & 22 Vict. c. 101.	An Act to amend the Act of the 18th and 19th years of Her present Majesty, chapter 63, relating to Friendly Societies.	The whole.
	22 & 23 Vict. c. 40.	An Act for the establishment of a Reserve Volunteer Force of Seamen, and for the government of the same.	Section 23.
15	23 Vict. c. 13.	An Act to prevent the members of Benefit Societies from forfeiting their interest therein by being enrolled in yeomanry or volunteer corps.	Section 1.
20	23 & 24 Vict. c. 58.	An Act to amend an Act of the 18th and 19th years of Her Majesty relating to Friendly Societies.	The whole, except section 8.
	26 & 27 Vict. c. 87.	An Act to consolidate and amend the Laws relating to Savings Banks.	Section 66.
25	29 Vict. c. 34.	An Act to give further facilities for the establishment of societies for the Assurance of Cattle and other Animals.	The whole.

A.D. 1875.

SCHEDULE II.

MATTERS TO BE PROVIDED FOR BY THE RULES OF SOCIETIES
REGISTERED UNDER THIS ACT.

1. The name and place of office of the society.
2. The whole of the objects for which the society is to be established, the 5
purposes for which the funds thereof shall be applicable, the terms of admis-
sion of members, the conditions under which any member may become entitled
to any benefit assured thereby, and the fines and forfeitures to be imposed on
any member.
3. The mode of holding meetings and right of voting, and the manner of 10
making, altering, or rescinding rules.
4. The appointment and removal of a committee of management (by whatever
name), of a treasurer and other officers, and of trustees.
5. The investment of the funds, the keeping of the accounts, and the audit of
the same once a year at least.
6. Annual returns to the registrar of the receipts, funds, effects and expen- 15
diture and number of members of the society.
7. The inspection of the books of the society by every person having an
interest in the funds of the society.
8. The manner in which disputes between the society and any of its members, 20
and any person claiming through a member or under the rules, shall be settled.
And also in the case of friendly and cattle insurance societies:—
1. The keeping separate accounts of all moneys received or paid on account
of every particular fund or benefit assured for which a separate table of contri-
butions payable shall have been adopted, and the keeping separate account of 25
the expenses of management, and of all contributions on account thereof.
2. (Except as to cattle insurance societies) returns every five years to the
registrar of the sickness and mortality of the society.
3. (Except as to cattle insurance societies) a valuation once at least in every
five years of the assets and liabilities of the society, including the estimated 30
risks and contributions.
4. The voluntary dissolution of the society by consent of not less than five-
sixths in value of the members, and of every person for the time being entitled
to any benefit from the funds of the society, unless his claim be first satisfied or
adequately provided for.
5. The right of three-eighths of the total number of members, or of one 35
hundred members in the case of a society of one thousand members and not
exceeding five thousand, or of five hundred members in the case of a society of
more than ten thousand members to apply to the chief registrar for an inves-
tigation of the affairs of the society, for winding up the same, or for an adjustment 40
of contributions and benefits.

SCHEDULE III.

A.D. 1875

FORM OF BOND.

- KNOW all men by these presents, that we, *A.B.* of one of the
 officers of the society, established at , in the county
 5 of , and *C.D.* of (as surety on behalf
 of the said *A.B.*) are jointly and severally held and firmly bound to *A.B.* of
 , *C.D.* of , and *E.F.* of , the
 trustees of the said society, in the sum of to be paid to the
 said *A.B.*, *C.D.*, and *E.F.*, as such trustees, or their successors, trustees for
 10 the time being, or their certain attorney; for which payment well and truly to
 be made we jointly and severally bind ourselves, and each of us by himself,
 our and each of our heirs, executors, and administrators, firmly by these presents
 sealed with our seals. Dated the day of in the year
 of our Lord .
- 15 Whereas the above-bounden *A.B.* has been duly appointed to the office
 of of the society, established as aforesaid, and he, together
 with the above-bounden *C.D.* as his surety, have entered into the above-written
 bond, subject to the condition herein-after contained: Now therefore the con-
 dition of the above-written bond is such, that if the said *A.B.* do render a just
 20 and true account of all monies received and paid by him, and do pay over
 all the monies remaining in his hands, and assign and transfer or deliver all
 property (including books and papers) in his hands or custody to such person or
 persons as the said society shall appoint, according to the rules of the said
 society, together with the proper and legal receipts or vouchers for such pay-
 25 ments, then the above-written bond shall be void, otherwise shall remain in full
 force.

SCHEDULE IV.

ACKNOWLEDGMENT OF REGISTRY OF SOCIETY.

- The Society is registered as a [*friendly society, cattle insurance*
 30 *society, benevolent society, working men's club, or specially authorised society*],
 under the Friendly Societies Act, 1875, this day of .
 [Seal or stamp of central office, or signature of Assistant
 Registrar for Scotland or Ireland.]

ACKNOWLEDGMENT OF REGISTRY OF AMENDMENT OF RULES.

- 35 The foregoing amendment of the rules of the Society is registered
 under the Friendly Societies Act, 1875, this day of .
 [Seal or stamp of central office, or signature of Assistant
 Registrar for Scotland or Ireland.]

Friendly Societies.

A

B I L L

To consolidate and amend the Law
relating to Friendly and other
Societies.

(Prepared and brought in by
Mr. Chancellor of the Exchequer, Mr. Secretary
Cross, and Mr. William Henry Smith.)

Ordered, by The House of Commons, to be Printed,
8 February 1875.

[Bill 2.]

Under 6 oz.

Friendly Societies Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title of Act.
2. Commencement of Act.
3. Extent of Act.
4. Definitions.
5. Repeal.
6. Existing societies.
7. Societies with deposited rules.
8. Classes of societies.
9. Limited application of Act.
10. The registry office.
11. Registry of societies.
12. Cancelling and suspension of registry.
13. Rules and amendments.
14. Duties and obligations of societies.
15. Privileges of societies.
16. Property and funds of societies.
17. Investments with National Debt Commissioners.
18. Loans to members.
19. Accumulating surplus of contributions for member's use.
20. Officers in receipt or charge of money.
21. Legal proceedings.
22. Disputes.
23. Special powers of registrars to be exercised on application from members.
24. Special resolutions, and proceedings which may be taken thereon.
25. Dissolution of societies.
26. Militiamen and volunteers not to lose benefits.
27. Limitations of benefits.
28. Payments on death of children.
29. Societies with branches.

[Bill 169.]

Clause.

30. Societies receiving contributions in two or more counties by collectors.
31. As to cattle insurance and certain other societies.
32. Penalties.
33. Summary procedure and appeals.
34. Regulation of proceedings in county courts.
35. Public auditors.
36. Fees.
37. Payment of salaries and expenses.
38. Regulations to be made for carrying out the Act.
39. Evidence of documents.
40. Application of Act to the Isle of Man.
41. Application of Act to Channel Islands.

SCHEDULES.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Consolidate and amend the Law relating to Friendly and other Societies. A.D. 1875.

WHEREAS it is expedient to consolidate and amend the law relating to friendly and certain other societies :

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as The Friendly Societies Act, 1875.

*Short title
of Act.*

2. This Act shall come into operation as to section 10 on the passing of the Act, and as to the remainder of the Act on the first day of January one thousand eight hundred and seventy-six, which day is herein-after referred to as the commencement of this Act.

*Commence-
ment of Act.*

3. This Act extends to Great Britain and Ireland, the Channel Islands, and the Isle of Man.

*Extent of
Act.*

4. In this Act, if not inconsistent with the context, the following terms have the meanings herein-after respectively assigned to them :

Definitions.

"The Treasury" means the Lords Commissioners of Her Majesty's Treasury :

"England" includes the Channel Islands and the Isle of Man (except as herein-after provided) :

20 "The Registrar" means for England the central office, and for Scotland or Ireland the assistant registrar for either country respectively :

"Country" means England, Scotland or Ireland, as the case may be :

25 The several ridings of the county of York, the several Channel Islands, and the Isle of Man, respectively, shall be deemed to be counties :

"Land" includes hereditaments, and in Scotland heritable subjects, of whatever description, and chattels real :

[Bill 169.]

A

A.D. 1875.

“Property” means all real and personal estate (including books and papers):

“Registered society” means a society registered or deemed to be registered under this Act:

“Amendment of rule” includes a new rule, and a resolution rescinding a rule: 5

“Rules” means rules for the time being:

“Branch” means any number of the members of a society, under the control of a central body, having a separate fund, administered by themselves or by a committee or officers appointed by themselves: 10

“Persons claiming through a member” includes the heirs, executors, administrators, and assigns of a member, and also his nominees where nomination is allowed:

“Collector” includes every paid officer, agent, or person, howsoever remunerated, who, by himself or by any deputy or substitute, collects contributions for a society, or holds any interest in a collecting book of the same, but does not include— 15

(a) The secretary or other officer of a branch of a society who receives contributions on behalf of such society, or of any other branch of the same: 20

(b) Any officer appointed to superintend and receive moneys from collectors within a specified area, and not being himself a collector as herein-before defined: 25

(c) Any agent appointed and remunerated by members, and not under the control of the society, or of any officer thereof:

“Officer” extends to any trustee, treasurer, secretary, or member of the committee of management of a society, or person appointed by the society to sue and be sued on its behalf: 30

“Meeting” includes (where the rules of a society so allow) a meeting of delegates appointed by members:

For Scotland, “court of summary jurisdiction” means the sheriff court of the county: 35

“County court” means for Scotland the sheriff court of the county, and for Ireland the Civil Bill Court; for Scotland, “administration” means confirmation, and “misdemeanor” a crime and offence:

“Summary Jurisdiction Acts” means— 40

As to England, the Act 11 & 12 Vict. c. 43, and any Acts amending the same:

As to Ireland, within the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of

the peace for such district, and of the police of such district; elsewhere in Ireland, the "Petty Sessions (Ireland) Act, 1851," and any Act amending the same: A.D. 1875.

"Gazette" means the London Gazette for England, the Edinburgh Gazette for Scotland, and the Dublin Gazette for Ireland.

5 **5.** The Acts set forth in the first schedule hereto are repealed from the commencement of this Act to the extent set forth in the third column of the said schedule; but this repeal, or anything
10 herein contained, shall not affect the past operation of the said Acts, or the force or operation, validity or invalidity, of anything done or suffered, or any bond or security given, right, title, obligation, or liability accrued, contract entered into, or proceedings taken, under any of the said Acts, or under the rules of any society registered or
15 certified thereunder, before the commencement of this Act. Repeal.

6. Every society now subsisting whose rules have been registered, enrolled, or certified under any Act relating to friendly societies or cattle insurance societies, shall be deemed to be a society registered under this Act, and its rules shall, so far as the same are not con-
20 trary to any express provision of this Act, continue in force until altered or rescinded. Existing societies.

Provided that nothing herein contained shall affect the validity of the rules of friendly societies established before the fifteenth day of August one thousand eight hundred and fifty, notwith-
25 standing that the contingent annual payments to which the members or the nominees of the members of such societies may become entitled may exceed the limit hereby fixed.

7. Section forty-four of the Act of the eighteenth and nineteenth Victoria, chapter sixty-three, shall continue to have effect (notwith-
30 standing its repeal by this Act) with regard to any society whose rules have been deposited thereunder, but only until the society is registered under this Act, or until the thirty-first day of December one thousand eight hundred and seventy-eight, whichever shall first happen. Societies with deposited rules.

35 **8.** The following societies may be registered under this Act; Classes of societies.
viz.,

(1.) Societies (herein called friendly societies) established to provide by voluntary subscriptions of the members thereof, with or without the aid of donations— Friendly societies.

40 For the relief or maintenance of the members, their husbands, wives, children, fathers, mothers, brothers or sisters, nephews
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or nieces, or wards being orphans, during sickness or other infirmity, whether bodily or mental, in old age (which shall mean any age after sixty,) or in widowhood, or for the relief or maintenance of the orphan children of members during minority;

For insuring money to be paid on the birth of a member's child, 5
or on the death of a member, or for the funeral expenses of the husband, wife, or child of a member, or of the widow of a deceased member, or, as respects persons of the Jewish persuasion, for the payment of a sum of money during the period of confined mourning; 10

For the relief or maintenance of the members when on travel in search of employment, or when in distressed circumstances, or in case of shipwreck, or loss or damage of or to boats or nets;

For the endowment of members or nominees of members at any age;

For the insurance against fire to any amount not exceeding *fifteen* 15
pounds of the tools or implements of the trade or calling of the members;

Provided that no society (except as aforesaid) which contracts with any person for the assurance of an annuity exceeding *thirty*
pounds per annum, or of a gross sum exceeding *two hundred* 20
pounds, shall be registered under this Act:

Cattle insurance societies.

(2.) Societies (herein called cattle insurance societies) for the insurance to any amount against loss by death of neat cattle, sheep, lambs, swine, and horses from disease or otherwise:

Benevolent societies.

(3.) Societies for any benevolent or charitable purpose (herein 25
called benevolent societies):

Working men's clubs.

(4.) Societies (herein called working men's clubs) for purposes of social intercourse, mutual helpfulness, mental and moral improvement, and rational recreation:

Specially authorised societies.

(5.) Societies for any purpose which the Treasury may authorise 30
as a purpose to which the powers and facilities of this Act ought to be extended (herein called "specially authorised societies").

Limited application of Act.

9. The Treasury may limit the application of this Act, as respects specially authorised societies, to such of the provisions herein contained as may be specified in the authority for registering any such 35
society.

The registry office.

10. With respect to the registry office, the following provisions shall have effect:—

The chief and assistant registrars.

(1.) There shall be a chief registrar of friendly societies (herein termed "the chief registrar"), and one or more assistant registrars of friendly societies for England (herein termed "assistant 40
registrars for England"), and such chief registrar and assistant

registrars for England shall constitute the central office after mentioned. There shall be an assistant registrar of friendly societies for Scotland (herein termed "assistant registrar for Scotland"), and an assistant registrar of friendly societies for Ireland (herein termed "assistant registrar for Ireland").

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(2.) Every chief registrar and assistant registrar shall be appointed by and shall hold his office during the pleasure of the Treasury.

Chief and assistant registrars to hold office during pleasure.
Qualification of chief and assistant registrars.

(3.) Every chief registrar shall be a barrister of not less than twelve years standing, and one at least of the assistant registrars for England, and every assistant registrar for Ireland shall be a barrister or solicitor of not less than seven years standing, and every assistant registrar for Scotland an advocate, writer to the signet, or solicitor of not less than seven years standing.

(4.) The central office shall exercise all the functions and powers in respect of loan societies, benefit building societies, and societies instituted for purposes of science, literature, or the fine arts, which are now by law vested in the registrar of friendly societies or the registrar of building societies for England, or in the barrister appointed to certify the rules of savings banks or friendly societies, and shall be entitled to receive all fees payable to such registrar or barrister, and all provisions in such Acts relating to such registrar or barrister shall be construed as applying to the central office.

Central office to exercise functions of registrar of friendly or building societies for England, and barrister to certify savings banks.

(5.) The central office shall, with the approval of the Treasury, from time to time—

Other functions of central office :
preparation of model forms ;
circulation of information.

(a.) Prepare and cause to be circulated, for the use of societies, model forms of accounts, balance sheets, and valuations ;

(b.) Collect from the returns under this Act and from other sources, and publish and circulate, either generally or in any particular district, such information on the subject of the statistics of life and sickness, and the application thereof to the business of friendly societies, and such other information useful to the members of or to persons interested in friendly or other societies registered or which might be registered under this Act, as the chief registrar shall from time to time think fit.

(6.) The chief registrar shall every year lay before Parliament a report of his proceedings and of those of the assistant registrars, and of the principal matters transacted by him and them during the year preceding.

Chief registrar to report yearly to Parliament.

(7.) For the purposes of this Act the assistant registrars shall be subordinate to the chief registrar. They shall, within the countries for which they are respectively appointed, exercise all functions and powers by this Act given to the registrar, and may

Functions of assistant registrars generally.

A.D. 1875. also, by the written authority of the chief registrar, exercise such of the functions and powers by this Act given to the chief registrar as he shall from time to time delegate to them.

Functions of
assistant
registrars
for Scotland
and Ireland.

(8.) Subject to any regulations to be made under this Act, the assistant registrars for Scotland and Ireland respectively shall— 5

(a.) Exercise all the functions and powers by any existing Act of Parliament vested in the registrars of friendly or of building societies for Scotland and Ireland respectively, or in the barrister or person appointed to certify the rules of friendly societies in Scotland or Ireland respectively, and shall be entitled to receive all fees payable to such registrar, barrister, or person respectively, and so that all provisions in such Acts relating to such registrar, barrister, or person respectively shall be construed as applying to such assistant registrars respectively : 15

(b.) Send to the central office copies of all such documents registered or recorded by them as the chief registrar shall from time to time direct :

(c.) Record all such documents and matters as shall be sent to them for record from the central office, and such other documents and matters as herein provided : 20

(d.) Circulate and publish, or transmit to or from societies registered within their respective countries, from or to the central office, such information and documents relating to the purposes of this Act as the chief registrar, with the approval of the Treasury, shall from time to time direct : 25

(e.) Report from time to time their proceedings to the chief registrar as he shall direct.

(9.) No assistant registrar for Scotland or Ireland shall refuse to record any rules or amendments of rules which have been registered by the central office. 30

Registry of
societies.

Societies
for registry
to consist
of seven
persons at
least.

The applica-
tion for
registry.

Identity,
or deceptive
similarity of

11. With respect to the registry of societies, the following provisions shall have effect :—

(1.) No society can be registered under this Act which does not consist of seven persons at least. 35

(2.) For the purpose of registry an application to register the society, signed by seven members and the secretary, and written or printed copies of the rules, together with a list of the names of the secretary and of every trustee or other officer authorised to sue and be sued on behalf of the society, shall be sent to the registrar. 40

(3.) No society shall be registered under a name identical with that under which any other existing society is registered, or so

nearly resembling such name as to be likely, in the opinion of the registrar, to deceive the members or the public.

name not to be allowed.

(4.) A society (other than a benevolent society or working men's club) shall not be disentitled to registry by reason of any rule for
5 or practice of dividing any part of the funds thereof.

Dividing societies may be registered.

(5.) No society assuring to any member a certain annuity shall be entitled to registry, unless the tables of contributions for such assurance, certified by the actuary to the Commissioners for the Reduction of the National Debt, or by some actuary approved by
10 the Treasury, who has exercised the profession of actuary for at least five years, be sent to the registrar with the application for registry.

Societies granting annuities to have tables certified by actuary.

(6.) Societies carrying or intending to carry on business in more than one country shall be registered in the country in which their
15 registered office, as herein mentioned, is situate; but copies of the rules of such societies, and of all amendments of the same, shall, when registered, be sent to the registrar of each of the other countries, to be recorded by him; and until such rules be so recorded the society shall not be entitled to any of the privileges of this
20 Act in the country in which such rules have not been recorded, and until such amendments of rules be recorded the same shall not take effect in such country.

Registry of societies doing business in more than one country.

(7.) The registrar, on being satisfied that a society has complied with the provisions as to registry in force under this Act, shall issue
25 to such society an acknowledgment of registry, which shall specify the designation of the society, according to the classification herein set forth.

The acknowledgment of registry.

(8.) If any registrar refuse to register the society or any rules, the society may appeal from such refusal, as follows:

Appeals from refusal to register.

30 (a.) If the assistant registrar for Scotland or Ireland refuse to register, otherwise than on the ground of some law not in force in England, to the chief registrar:

(b.) If the assistant registrar for Scotland or Ireland refuse to register on the ground of some law not in force in England,
35 to the Court of Session, or to the Court of Queen's Bench at Dublin, as the case may be:

(c.) If the central office or the chief registrar refuse to register, whether originally or on appeal, to the Queen's Bench Division of the High Court of Justice:

40 (d.) Either division of the Inner House of the Court of Session, the Court of Queen's Bench at Dublin, and the Judges of the Queen's Bench division of the High Court of Justice respectively, may make rules or orders as to the form of

A.D. 1875.

appeals and the trying thereof and otherwise relating thereto.

If refusal overruled, acknowledgment of registry to be given.
Effect of acknowledgment of registry.

(9.) If the refusal of registry be overruled on appeal, an acknowledgment of registry shall thereupon be given to the society by the registrar.

5

(10.) The acknowledgment of registry shall be conclusive evidence that the society therein mentioned is duly registered, unless it be proved that the registry of the society has been suspended or cancelled.

Cancelling and suspension of registry.

12. With respect to the cancelling or suspension of registry the following provisions shall have effect :

10

(1.) The chief registrar may cancel the registry of a society by writing under his hand,—

Cancelling.

(a.) If he thinks fit, at the request of a society, to be evidenced in such manner as he shall from time to time direct :

15

(b.) With the approval of the Treasury, on proof to his satisfaction that an acknowledgment of registry has been obtained by fraud or mistake, or that a society exists for an illegal purpose, or has wilfully and after notice from a registrar whom it may concern violated any of the provisions of this Act, or has ceased to exist.

20

Suspension.

(2.) The chief registrar, in any case in which he might, with the approval of the Treasury, cancel the registry of a society, may suspend the same, by writing under his hand, for any term not exceeding three months, and may, with the approval of the Treasury, renew such suspension from time to time for the like period.

25

Notice of cancelling or suspension.

(3.) Not less than three weeks previous notice in writing, specifying briefly the ground of any proposed cancelling or suspension of registry, shall be given by the central office to a society before the registry of the same can be cancelled (except at its request) or suspended ; and notice of every cancelling or suspension shall be published in the Gazette, and in some newspaper circulating in the county in which the registered office of the society is situated, as soon as practicable after the same takes place.

30

Appeal from cancelling or suspension.

(4.) A society may appeal from the cancelling of its registry, or from any suspension of the same which is renewed after six months, in manner herein provided for appeals from the chief registrar's refusal to register.

35

Effect of cancelling or suspension.

(5.) A society whose registry has been suspended or cancelled shall from the time of such suspension or cancelling (but if suspended, only whilst such suspension lasts, and subject also to the right of appeal hereby given) absolutely cease to enjoy as such

40

the privileges of a registered society, but without prejudice to any liability actually incurred by such society, which may be enforced against the same as if such suspension or cancelling had not taken place. A.D. 1875.

- 5 **13.** With respect to the rules of societies the following provisions shall have effect: Rules and amendments.
- (1.) The rules of every society sent for registry shall, according to the class in which the society is to be registered, contain provisions in respect of the several matters mentioned in the second Provisions to be contained in rules.
- 10 schedule to this Act.
- (2.) No amendment of a rule made by a registered society shall be valid until the same has been registered under this Act, for which purpose copies of the same, signed by three members and the secretary, shall be sent to the registrar. Amendments to be registered.
- 15 (3.) The provision herein contained as to appeals from a refusal of registry shall apply to amendments of rules. Provision applicable to amendments.
- (4.) The registrar shall, on being satisfied that any amendment of a rule is not contrary to the provisions of this Act, issue to the society an acknowledgment of registry of the same, which shall be conclusive evidence that the same is duly registered. Acknowledgment of registry of amendments.
- 20 (5.) A copy of the rules of a registered society shall be delivered by the society to every person on demand, on payment of a sum not exceeding one shilling. Copies of rules to be delivered on demand.
- (6.) If any person, with intent to mislead or defraud, gives to Delivery of untrue rules.
- 25 any other person a copy of any rules, laws, regulations, or other documents, other than the rules for the time being registered under this Act, on the pretence that the same are existing rules of a registered society, or that there are no other rules of such society, or gives to any person a copy of any rules on the pretence that
- 30 such rules are the rules of a registered society when the society is not registered, the person so offending shall be deemed guilty of a misdemeanor.
- 14.** With respect to the duties and obligations of registered societies the following provisions shall have effect: Duties and obligations of societies.
- 35 (1.) Every registered society shall—
- (a.) Have a registered office to which all communications and notices may be addressed, and send to the registrar notice of the situation of such office, and of every change therein: Registered office.
- 40 (b.) From time to time at some meeting of the society, and by a resolution of a majority of the members present and

- A.D. 1875. entitled to vote thereat, appoint one or more trustees of the society, and send to the registrar a copy of every resolution appointing a trustee, signed by the trustee so appointed, and by the secretary of the society :
- Audit. (c.) Once at least in every year submit its accounts for audit 5 either to one of the public auditors appointed as herein mentioned, or to two or more persons appointed as the rules of the society provide, which auditors shall have access to all the books and accounts of the society, and shall examine the general statement of the receipts and 10 expenditure, funds and effects of the society, and verify the same with the accounts and vouchers relating thereto, and shall either sign the same as found by them to be correct, or specially report to the society in what respects they find it incorrect or unvouched : 15
- Annual returns. (d.) Once in every year before the first day of June send to the registrar a general statement (to be called the annual return) of the receipts and expenditure, funds and effects of the society, which shall show separately the expenditure in respect of the several objects of the 20 society, and shall be made out to the 31st December then last inclusively, and shall be duly audited :
- Quinquennial returns. (e.) Within six months after the thirty-first day of December one thousand eight hundred and seventy-five, and so again within six months after the expiration of every five 25 years succeeding; send to the registrar a return (to be called the quinquennial return) of the sickness and mortality experienced by the society during the five years preceding the 31st December then last past; an abstract of which returns shall be laid before Parliament : 30
- Quinquennial valuations. (f.) Once at least in the five years next after the commencement of this Act, or the registry of the society, and so again within six months after the expiration of every five 35 years succeeding the date of the first valuation under this Act, either cause its assets and liabilities to be valued by a valuer to be appointed by the society, and send to the registrar a report, signed by such valuer, and which shall also state his address and calling or profession, on the condition of the society, and an abstract to be made by him of the results of his valuation, or send to the registrar a 40 return of the benefits assured and contributions receivable from all the members of the society, and of all its funds

and effects, debts and credits, accompanied by such evidence in support thereof as the chief registrar prescribes, in which case the registrar shall cause the assets and liabilities of the society to be valued and reported on by some actuary, and shall send to the society a copy of his report, and an abstract of the results of his valuation :

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(g.) Allow any member or person having an interest in the funds of the society to inspect the books at all reasonable hours at the registered office of the society, or at any place where the same are kept :

Inspection of books.

(h.) Supply gratuitously every member or person interested in the funds of the society, on his application, with a copy of the last annual return of the society for the time being.

Supplying copies of annual returns.

(i.) Keep a copy of the last annual balance sheet for the time being, and of the last quinquennial valuation for the time being, always hung up in a conspicuous place at the registered office of the society.

(2.) No society shall pay any sum of money upon the death of a member or other person, except upon the production of a certificate of such death, under the hand of the registrar of deaths, or other person having the care of the register of deaths in which such death is entered.

Offences.

(3.) It shall be an offence under this Act if any registered society—

(a.) Fails to give any notice, send any return or document, or do or allow to be done any act or thing which the society is by this Act required to do or allow to be done :

(b.) Wilfully neglects or refuses to do any act or to furnish any information required for the purposes of this Act by the chief or any other registrar or other person authorised under this Act, or does any act or thing forbidden by this Act :

(c.) Makes a return or wilfully furnishes information in any respect false or insufficient.

(4.) Every offence by a society under this Act shall be deemed to have been also committed by every officer of the same bound by the rules thereof to fulfil the duty whereof such offence is a breach, or if there be no such officer, then by every member of the committee of management of the same, unless such member be proved to have been ignorant of or to have attempted to prevent the commission of such offence ; and every default under this Act

Offences by societies to be also offences by officers, &c.

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constituting an offence, if continued, constitutes a new offence in every week during which the same continues.

Returns to be
in prescribed
form.

(5.) Every annual, quinquennial, or other return, abstract of valuation, and other document required for the purposes of this Act shall be made in such form and shall contain such particulars as the chief registrar prescribes.

Recording of
documents.

(6.) All documents by this section required to be sent to the registrar shall be deposited with the rules of the societies to which the same respectively relate, and shall be registered or recorded by the registrar, with such observations thereon, if any, as the chief registrar shall direct :

In what
cases quin-
quennial
returns, &c.
may be dis-
pensed with.

Provided that the chief registrar, with the approval of the Treasury, may dispense with the quinquennial return and with the valuation herein required in respect of societies to whose purposes or to the nature of whose operations he may deem the same inapplicable ; and may also dispense with the quinquennial return in cases where, at the request of a society, he may, by inspection of the books thereof through any person whom he appoints, obtain such information as he deems sufficient of the sickness and mortality experienced by the society ; and the provisions herein contained in respect of the quinquennial return and valuation shall not apply to benevolent societies, working men's clubs, or cattle insurance societies, nor to specially authorised societies, unless it be so directed in the authority for registering the same.

Privileges of
societies.

15. Registered societies shall be entitled to the following privileges :

Correspond-
ing Societies
Acts, &c.
not to affect
registered
societies.

(1.) No society or meeting of a society shall be affected by any of the provisions of the Acts of the thirty-ninth George the Third, chapter seventy-nine, the fifty-seventh George the Third, chapter nineteen, or the fourteenth and fifteenth Victoria, chapter forty-eight, if in such society or at such meeting no business is transacted other than that which directly and immediately relates to the objects of the society as declared in the registered rules thereof, but such society and all officers of the same shall, on request in writing by two justices of the peace, give full information to such justices of the nature, objects, proceedings, and practices of the society, in default whereof the provisions of the Acts in this section referred to shall, so far as applicable, be in force in respect of such society.

Exemp-
tion from
stamp duty.

(2.) Stamp duty shall not be chargeable upon any of the following documents :

(a.) Power, warrant, or letter of attorney, granted by any person as trustee for the transfer of any money of the society invested in his name in the public funds :

(b.) Order or receipt for money contributed to or received from the funds of the society by virtue of its rules or of this Act : A.D. 1875.

(c.) Bond given to or on account of the society, or by the treasurer or other officer thereof :

5 (d.) Draft or order, or form of policy, or appointment or revocation of appointment of agent, or other document required or authorised by this Act, or by the rules of the society.

(3.) A member of a society (other than a benevolent society or working men's club) not being under the age of sixteen years, may, 10 by writing under his hand delivered at or sent to the registered office of the society, nominate any person, being the husband, wife, father, mother, child, grandchild, brother or brother-in-law, sister or sister-in-law, nephew, or niece of such member, to whom any moneys payable by the society on the death of such member, not 15 exceeding *fifty pounds*, shall be paid at his decease, and may from time to time revoke or vary such nomination by a writing under his hand similarly delivered or sent; and on receiving satisfactory proof of the death of a nominator, the society shall pay to the nominee the amount due to the deceased member, not exceeding 20 the sum aforesaid.

Power of nomination for sums not exceeding fifty pounds.

(4.) If any member of a society, entitled from the funds thereof to a sum not exceeding fifty pounds, dies intestate and without having made any nomination under this Act which remains unre- 25 voked at his death, such sum shall be payable, without letters of administration, to the person who appears to a majority of the trustees, upon such evidence as they may deem satisfactory, to be entitled by law to receive the same.

Distribution of sums not exceeding fifty pounds.

(5.) Whenever the society, after the decease of any member, pay any sum of money to the person who at the time appears to the 30 trustees to be entitled under this section, the payment is valid and effectual against any demand made upon the trustees or the society by any other person.

Payments to persons apparently entitled valid.

(6.) When any person, being or having been a trustee of a society, and whether appointed before or after the legal establishment 35 thereof, in whose name any stock belonging to such society transferable at the Bank of England or Bank of Ireland is standing, either jointly with another or others, or solely, is absent from England or Ireland respectively, or becomes bankrupt, or files any petition or executes any deed for liquidation of his affairs by as- 40 signment or arrangement, or for composition with his creditors, or becomes a lunatic, or is dead, or if it be unknown whether such person is living or dead, the chief registrar, on application in writing from the secretary and three members of the

When trustees are absent, &c., Registrar may order stock to be transferred.

A.D. 1875. society, and on proof satisfactory to him, may direct the transfer of the stock into the names of any other persons as trustees for the society; and such transfer shall be made by the surviving or continuing trustees, and if there be no such trustee, or if such trustees refuse or be unable to make such transfer, 5 and the chief registrar so direct, then by the Accountant General or Deputy or Assistant Accountant General of the Bank of England or Bank of Ireland, as the case may be; and the Governors and Companies of the Bank of England and Bank of Ireland respectively are hereby indemnified for anything done by them or any 10 of their officers in pursuance of this provision against any claim or demand of any person injuriously affected thereby.

Priority on
death of
officer.

(7.) Upon the death of any officer of a society having in his possession by virtue of his office any money or property belonging to the society, his heirs, executors, or administrators shall, upon 15 demand in writing of the trustees of the society, or any two of them, or any person authorised by the society, or by the committee of management of the same, to make such demand, pay such money and deliver over such property to the trustees of the society in preference to any other debts or claims against the estate of the 20 deceased.

Membership
of minors.

(8.) A person under the age of twenty-one but above the age of sixteen may be a member of a society, unless provision be made in the rules thereof to the contrary, and may, subject to the rules of the society, enjoy all the rights of a member (except as herein 25 provided), and execute all instruments and give all acquittances necessary to be executed or given under the rules, but shall not be a member of the committee of management, trustee, manager, or treasurer of the society.

Provided as follows :

30

(a.) Societies and branches, consisting wholly or partly of members of any age under sixteen years, but exceeding three years, may be allowed by the chief registrar to register under this Act, subject to such regulations as may be made in that behalf :

35

(b.) No rule or practice in force at the commencement of this Act for the admission of members under sixteen years of age shall be deemed contrary to any express provision of this Act as respects any society already registered.

Limitation of
cost of cer-
tificates of
birth or
death.

(9.) For the purpose of this Act a certificate of the birth 40 or death of any member of or person insured with a registered friendly society shall be given under his hand by the registrar of

births or deaths, or other person having the care of the register of births or deaths, in which such birth or death is entered, for a sum not exceeding one shilling, in place of all fees or payments in respect of the same, on application being made for the same in
 5 such form and under such regulations as shall be approved of by the registrar general of births, deaths, and marriages for England, Scotland, and Ireland respectively.

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(10.) A society may subscribe out of its funds to any hospital, infirmary, charitable or provident institution, any annual or other
 10 sum which may be necessary to secure to members of the society and their families the benefits of such hospital, infirmary, or other institution, according to its rules.

Society may
subscribe to
hospitals.

16. With respect to the property and funds of registered societies, the following provisions shall have effect:

Property and
funds of
societies.

15 (1.) The trustees, with the consent of the committee of management or of a majority of the members of a society present and entitled to vote in general meeting, may from time to time invest the funds of such society, or any part thereof, to any amount in any of the following ways:

Investment
of funds.

20 (a.) In the Post Office Savings Bank, or in any Savings Bank certified under the Act of 1863:

(b.) In the public funds:

(c.) With the Commissioners for the Reduction of the National Debt as herein-after provided:

25 (d.) In the purchase of land, or in the erection or alteration of offices or other buildings thereon:

(e.) Upon any other security expressly directed by the rules of the society, not being personal security, except as herein-after authorised with respect to loans.

30 (2.) A society, or any branch of a society, may (if the rules thereof so provide) hold, purchase, or take on lease in the names of the trustees for the time being of such society or branch, in every county where it has an office, any land, and may sell, exchange, mortgage, lease, or build upon the same (with power to
 35 alter and pull down buildings and again rebuild), and no purchaser, assignee, mortgagee, or tenant shall be bound to inquire as to the authority for any sale, exchange, mortgage, or lease by the trustees, and the receipt of the trustees shall be a discharge for all moneys arising from or in connexion with such sale, exchange, mortgage,
 40 or lease; and for the purpose of this section no branch of a registered society need be separately registered.

Holding of
land.

- A.D. 1875. (4.) All property belonging to a society, whether acquired before or after the same is registered, shall vest in the trustees for the time being of the society, for the use and benefit of the society and the members thereof, and of all persons claiming through the members according to the rules of the society; and 5 the property of any branch of a society shall vest in the trustees of such branch, or in the trustees of the society if the rules of the society so provide, for the use and benefit either of the members of such branch and persons claiming through such members, or of the members of the society generally, and persons 10 claiming through them, according to the rules of the society.
- Property of society, how vested.
- Devolution on death, &c. (5.) Upon the death, resignation, or removal of a trustee, whether of a society or branch, the property vested in such trustee vests in the succeeding trustees of such society or branch either solely or together with any surviving or continuing trustees, and 15 ' until the appointment of succeeding trustees in such surviving or continuing trustees only, or in the executors or administrators of the last surviving or continuing trustee, as personal estate (whether the same be real or personal), subject to the same trusts, without conveyance or assignment, except that stocks and securities in the 20 public funds of Great Britain and Ireland shall be transferred into the names of the succeeding trustees, either solely or jointly with any surviving or continuing trustees.
- (6.) In all legal proceedings whatsoever concerning any such property the same shall be stated to be the property of the trustees 25 for the time being in their proper names as trustees for the society or branch (as the case may be) without further description.
- As to copyholds. (7.) Where a society is entitled in equity to any hereditaments of copyhold or customary tenure, either absolutely or by way of mortgage or security, the lord of the manor of which the same are 30 held shall from time to time, if the society so require, admit the trustees (not to exceed three) of such society as tenants in respect of such hereditaments, on payment of the usual fines, fees, and other dues payable on the admission of a single tenant.
- Discharge of mortgages by receipt endorsed. (8.) A receipt under the hands of the trustees, countersigned by 35 the secretary, in the form contained in the third schedule to this Act, or in any form specified by the rules of the society or any schedule thereto, for all moneys secured to the society by any mortgage or other assurance, such receipt being endorsed upon or annexed to such mortgage or other assurance, vacates the same, 40 and vests the property therein comprised in the person entitled to the equity of redemption of the same, without reconveyance or resur-

render; but this provision does not apply to Scotland or to the Island of Jersey. A.D. 1875.

- (9.) If such mortgage or other assurance has been registered under any Act for the registration or record of deeds or titles, or is of
 5 copyholds or lands of customary tenure and entered on any court rolls, the registrar under such Act, or recording officer, or steward of the manor, or keeper of the register, shall on production of such receipt, verified by oath of any person, enter satisfaction on the register or on the court rolls respectively of such mortgage or of
 10 the charge made by such assurance, and shall grant a certificate, either upon such mortgage or assurance, or separately to the like effect, which certificate shall be received in evidence in all courts and proceedings without further proof, and such registrar, recording officer, steward, or keeper of the register is entitled
 15 to a fee of *two shillings and sixpence* for making the said entry and granting the said certificate, and such fee shall in Ireland be paid by stamps, and applied as the other fees of the Registry of Deeds Office and Record of Title Office are by law directed to be paid and applied.
- (10.) If any person obtains possession by false representation or imposition of any property of a society, or having the same in his possession withholds or misapplies the same, or wilfully applies
 20 any part thereof to purposes other than those expressed or directed in the rules of the society and authorised by this Act, he shall, on the complaint of the society, or of any member authorised by
 25 the society, or the trustees or committee of management of the same, or by the central office, or of the chief registrar or any assistant registrar by his authority, be liable on summary conviction to a penalty not exceeding *twenty pounds* with costs
 30 not exceeding *twenty shillings*, and to be ordered to deliver up all such property, or to repay all moneys applied improperly, and in default of such delivery or repayment, or of the payment of such penalty and costs aforesaid, to be imprisoned, with or without hard labour, for any time not exceeding *three months*;
 35 but nothing herein contained prevents any such person from being proceeded against by way of indictment, if not previously convicted of the same offence under the provisions of this Act.

Registration
of receipt.

Punishment
of fraud or
misappropriation.

- (11.) Trustees of a society are not liable to make good any
 40 deficiency in the funds of such society, but are liable only for moneys actually received by them respectively on account of such society.

Trustees
not to be
personally
liable.

A.D. 1875.

Investments
with National
Debt Com-
missioners.

17. With respect to the investment of funds with the Commissioners for the Reduction of the National Debt, the following provisions shall have effect :

1. The society may pay to the account of the Commissioners at the Bank of England or Ireland any sum of money not less than fifty pounds upon a declaration of the trustees of the society, or any two of them, that such moneys belong exclusively to the society : 5
2. The cashier of the bank shall receive all such moneys and place the same to the account of the Commissioners in the book of the bank named " the fund for friendly societies : " 10
3. All moneys paid in upon a false declaration shall be forfeited to the Commissioners, and applied by them in the manner directed by the twenty-sixth and twenty-seventh Victoria, chapter eighty-seven, section thirty-eight : 15
4. The provisions of the twenty-sixth and twenty-seventh Victoria, chapter eighty-seven, sections twenty-one (except so far as the same may be repealed by any Act to be passed in this session of Parliament), twenty-two, twenty-four, twenty-five, twenty-six, twenty-seven, and twenty-eight, as to the regulation of receipts, certificates, and orders, shall apply to moneys paid under this section : 20
5. The society shall be entitled to a receipt bearing interest at the rate of twopence per centum per diem :
6. Provided that a friendly society legally established before the twenty-eighth day of July one thousand eight hundred and twenty-eight, which has invested any part of its funds with the Commissioners before the twenty-third day of July one thousand eight hundred and fifty-five, shall be entitled for any further investment made on account of any assurance made before the fifteenth day of August one thousand eight hundred and fifty, to a receipt bearing interest at the rate of threepence per centum per diem : 25 30
7. And provided that a friendly society legally established between the twenty-eighth day of July one thousand eight hundred and twenty-eight, and the fifteenth day of August one thousand eight hundred and fifty, which has invested any part of its funds with the Commissioners before the twenty-third day of July one thousand eight hundred and fifty-five, shall be entitled for any further investment made on account of any assurance made before the fifteenth day 35 40

of August one thousand eight hundred and fifty, to a receipt bearing interest at the rate of twopence halfpenny per centum per diem : A.D. 1875.

- 5 8. A society withdrawing money invested with the Commissioners shall not be entitled to make any further deposit without their consent :
- 10 9. Every society investing money with the Commissioners shall furnish from time to time such returns as may be required by the Commissioners, in respect of the funds deposited with them, and the assurances to which such funds relate :
- 15 10. A society having funds invested with the Commissioners at the rates of threepence or twopence halfpenny per centum per diem, shall retain at such rates so much only of its funds as arises from assurances made before the fifteenth day of August one thousand eight hundred and fifty, after deducting all benefit payments and management expenses incurred on account of such assurances ; and whenever the society fails to satisfy the Commissioners of its title to retain at either such rate the whole or any part of its funds, the Commissioners shall require the withdrawal of such funds or the transfer of the same to the rate of twopence per centum per diem, and, in default of withdrawal within thirty days, shall transfer the same in their books accordingly, and shall notify such transfer to the society :
- 20 11. Whenever it shall appear to the Commissioners that all the members of a society assured before the fifteenth day of August one thousand eight hundred and fifty have died or ceased to be members, the Commissioners shall forthwith transfer in their books to the rate of twopence per centum per diem all funds of the society remaining invested at any higher rate, and shall notify the same to the society.
- 25 30

18. With respect to loans to members of registered societies, the following provisions shall have effect : Loans to members.

(1.) Not more than one half of the amount of an assurance on the life of a member of at least one full year's standing may be advanced to him, on the written security of himself and two satisfactory sureties for repayment ; and the amount advanced, with all interest thereon, may be deducted from the sum assured, without prejudice in the meantime to the operation of such security.

(2.) A society may, out of any separate loan fund to be formed by contributions or deposits of its members, make loans to its members

Loans may be made out of separate loan fund.

A.D. 1875. on their personal security, with or without sureties, as may be provided by the rules, subject to the following restrictions :

- (a.) No loan can at any time be made out of moneys contributed for the other purposes of the society :
- (b.) No member shall be capable of holding any interest in the loan fund exceeding *two hundred pounds* :
- (c.) No society shall make any loan to a member on personal security beyond the amount fixed by the rules, or shall make any loan which, together with any moneys for the time being owing by a member to the society, shall exceed *fifty pounds* :
- (d.) No society shall hold at any one time on deposit from its members any moneys beyond the amount fixed by the rules, which shall not exceed two thirds of the total sums for the time being owing to the society by the members who have borrowed from the loan fund.

Accumulat-
ing surplus
of contribu-
tions for
member's
use.

19. The rules of a society may provide for accumulating at interest, for the use of any member of the same, any surplus of his contributions to the funds of the society which may remain after providing for any assurance in respect of which the same are paid, and for the withdrawal of such accumulations from time to time.

Officers in
receipt or
charge of
money.

Security to
be given.

20. With respect to officers of registered societies having receipt or charge of money, the following provisions shall have effect :—

(1.) Every officer shall, before taking upon himself the execution of his office, become bound with one sufficient surety at the least in a bond according to one of the forms set forth in the third schedule to this Act, or give the security of a guarantee society, in such sum as the society directs, conditioned for his rendering a just and true account of all moneys received and paid by him on account of the society at such times as its rules appoint, or as the society or the trustees or committee of management thereof require him to do so, and for the payment by him of all sums due from him to the society.

Accounts of
officers.

(2.) Every officer, his executors or administrators, shall, at such times as by the rules of the society he should render account, or upon demand made, or notice in writing given or left at his last or usual place of residence, give in his account as may be required by the society, or by the trustees or committee of management of the society, to be examined and allowed or disallowed by them, and shall, on the like demand or notice, pay over all moneys and deliver

A.D. 1875.

all property for the time being in his hands or custody to such person as the society or the trustees appoint; and in case of any neglect or refusal to deliver such account, or to pay over such moneys or to deliver such property in manner aforesaid, the trustees or authorised officers of the society may sue upon the bond or security before mentioned, or may apply to the county court (which may proceed in a summary way), or to a court of summary jurisdiction, and the order of either such court shall be final and conclusive.

10 21. With respect to legal proceedings against registered societies, the following provisions shall have effect: Legal proceedings.

(1.) The trustees of any society or branch, or any other officers authorised by the rules thereof, may bring or defend, or cause to be brought or defended, any action, suit, or other legal proceeding in any court whatsoever, touching or concerning any property, right, or claim of the society or branch, as the case may be, and shall sue and be sued, implead and be impleaded, in their proper names, without other description than the title of their office.

20 (2.) In legal proceedings which may be brought under this Act by a member or person claiming through a member, the society may also be sued in the name, as defendant, of any officer or person who receives contributions or issues policies on behalf of the society within the jurisdiction of the court in which the legal proceeding is brought, with the addition of the words "on behalf of the society" 25 (naming the same).

(3.) No legal proceeding shall abate or be discontinued by the death, resignation, or removal from office of any officer, or by any act of such officer after the commencement of the proceedings.

(4.) The summons, writ, process or other proceeding to be issued to the officer or other person sued on behalf of a society shall be sufficiently served by leaving a true copy thereof at the registered office of the society, or at any place of business of the society within the county in which the proceeding is brought, or, if such office or place of business be closed, by posting such copy on the 35 outer door of the same.

22. Every dispute between a member or person claiming through a member or under the rules of a registered society, and the society or an officer thereof, shall be decided in manner directed by the rules of the society, and the decision so made shall be binding and 40 conclusive on all parties without appeal, and shall not be re-

A.D. 1875. movable into any court of law or restrainable by injunction; and application for the enforcement thereof may be made to the county court.

Provided as follows:—

- (a.) The parties to a dispute in a society may, by consent 5
(unless the rules of such society otherwise direct), refer such dispute to the chief registrar, who shall, with the consent of the Treasury, either by himself or by any other registrar, hear and determine such dispute, and shall have power to order the expenses of determining the 10
same to be paid either out of the funds of the society or by such parties to the dispute as he shall think fit, and such determination and order shall have the same effect and be enforceable in like manner as a decision made in the manner directed by the rules of the society: 15
- (b.) The chief or other registrar to whom any dispute is referred may administer oaths, and may require the attendance of all parties concerned, and of witnesses, and the production of all books and documents relating to the matter in question; and any person refusing to attend, 20
or to produce any documents, or to give evidence before such chief or other registrar, shall be guilty of an offence under this Act:
- (c.) Where the rules of a society direct that disputes shall be referred to justices, the dispute shall be determined 25
by a court of summary jurisdiction:
- (d.) Where the rules contain no direction as to disputes, or where no decision is made on a dispute within forty days after application to the society for a reference under its rules, the member or person aggrieved may 30
apply either to the county court, or to a court of summary jurisdiction, which may hear and determine the matter in dispute:
- (e.) The court, chief or other registrar, or other person empowered to decide a dispute may, at the request of either 35
party, state a case for the opinion in England of the Supreme Court of Judicature, in Scotland of either division of the Inner House of the High Court of Session, or in Ireland of one of the superior courts of common law at Dublin, on any question of law, and 40
may also grant to either party such discovery as to documents and otherwise, or such inspection of docu-

ments, and in Scotland may grant warrant for the recovery of documents and examination of havers, as might be granted by any court of law or equity, such discovery to be made on behalf of the society by such officer of the same as such court, registrar, or person may determine.

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23. Upon the application of three eighths of the whole number of members of a registered society, or of one hundred members in the case of a society of one thousand members and not exceeding ten thousand, or of five hundred members in the case of a society of more than ten thousand members, the chief registrar, or the assistant registrar for Scotland or Ireland by his direction, but with the consent of the Treasury in every case, may—

Special powers of registrars to be exercised on application from members.

(1.) Appoint one or more inspectors to examine into the affairs of such society, and to report thereon, who may require the production of all or any of the books and documents of the society, and may examine on oath its officers, members, agents, and servants in relation to its business, and may administer such oath accordingly :

Inspectors.

(2.) Call a special meeting of the society in such manner as the chief registrar, or such assistant registrar by his authority, may direct, and may direct what matters shall be discussed and determined on at such meeting, which shall have all the powers of a meeting called according to the rules of the society, and shall in all cases have power to appoint its own chairman, any rule of the society to the contrary notwithstanding.

Special meetings.

Provided that—

(a.) The application herein mentioned shall be supported by such evidence, for the purpose of showing that the applicants have good reason for requiring such inspection to be made or meeting to be called, and that they are not actuated by malicious motives in their application, and such notice thereof shall be given to the society, as the chief registrar shall direct :

(b.) The chief registrar may, if he think fit, require the applicants to give security for the costs of the proposed inspection or meeting, before appointing any inspector or calling such meeting :

(c.) All expenses of and incidental to any such inspection or meeting shall be defrayed either by the members applying for the same, or out of the funds of the society, as the chief registrar shall direct :

A.D. 1875.

(d.) This section shall not apply to a society with branches, unless with the consent of the central body of such society.

Special resolutions and proceedings which may be taken thereon.

Special resolutions.

24. With respect to special resolutions by registered societies, and to the proceedings which may be taken by virtue thereof, the following provisions shall have effect :

(1.) A special resolution is one which is passed by a majority of not less than three-fourths of such members of a society for the time being entitled under the rules to vote as may be present in person or by proxy (where the rules allow proxies) at any general meeting of which notice specifying the intention to propose such resolutions has been duly given according to the rules, and which resolution is confirmed by a majority of such members for the time being entitled under the rules to vote as may be present, in person or by proxy, at a subsequent general meeting of which notice has been duly given, held not less than fourteen days nor more than one month from the day of the meeting at which such resolution was first passed. At any meeting mentioned in this section a declaration by the chairman that the resolution has been carried shall be deemed conclusive evidence of the fact.

Change of name.

(2.) A society may, by special resolution, with the approval in writing of the chief registrar, change its name ; but no such change shall affect any right or obligation of the society, or of any member thereof, and any pending legal proceedings may be continued by or against the trustees of the society, or any other officer who may sue or be sued on behalf of such society, notwithstanding its new name.

Amalgamation of societies.

(3.) Any two or more societies may, by special resolution of both or all such societies, become amalgamated together as one society, with or without any dissolution or division of the funds of such societies or either of them ; and any society may, by special resolution, transfer its engagements to any other registered society which may undertake to fulfil the engagements of such society.

Conversion of societies into companies, &c.

(4.) A society may by special resolution determine to convert itself into a company under the Companies Acts, or to amalgamate with or transfer its engagements to any such company.

Rights of creditors.

(5.) No amalgamation or transfer of engagements shall prejudice any right of a creditor of either or any society party thereto.

Registration of special resolutions.

(6.) A copy of every special resolution for any of the purposes mentioned in this section, signed by the chairman of the meeting and

countersigned by the secretary, shall be sent to the central office and registered there, and until such copy is so registered, such special resolution shall not take effect. A.D. 1875.

(7.) If a special resolution for converting a society into a company contains the particulars by the Companies Act, 1862, required to be contained in the memorandum of association of a company, and a copy thereof has been registered at the central office, a copy of such resolution under the seal or stamp of the central office shall have the same effect as a memorandum of association duly signed and attested under the said Act. Registration of copy of special resolution as memorandum of association.

(8.) If a society be registered as, or amalgamates with, or transfers all its engagements to a company, the registry of such society under this Act thereupon becomes void, and the same shall be cancelled by the chief registrar; but the registration of a society as a company shall not affect any right or claim for the time being subsisting against such society, or any penalty for the time being incurred by such society; and for the purpose of enforcing any such right, claim, or penalty, the society may be sued and proceeded against in the same manner as if it had not become registered as a company; and every such right or claim, or the liability to such penalty, has priority as against the property of such company, over all other rights or claims against or liabilities of such company. Registry of society under Act to become void on registration as a company, &c.

Provided as follows as respects friendly societies:

(a.) No special resolution by any society for any amalgamation or transfer of engagements under this section is valid unless five sixths in value (to be calculated as for dissolution) of the members assent thereto either at the meetings at which such resolution is passed and confirmed, or one of them, or in writing, if such members were not present thereat, nor without the written consent of every person for the time being receiving or entitled to any relief, annuity, or other benefit from the funds of the society, unless the claim of such person be first duly satisfied, or adequate provision be made for satisfying such claim: Proviso as to friendly societies.

(b.) The provisions herein-after contained in case of dissolution as to the punishment of officers and the remedy of members or persons dissatisfied with the provision made for satisfying their claims, shall apply to the case of amalgamation and transfer of engagements:

(c.) Upon application of the trustees or committee of

A.D. 1875.

management of a society desiring to amalgamate or transfer its engagements, notice of such application being published in the Gazette, the chief registrar, after hearing such trustees and any other persons whom he considers entitled to be heard upon the application, may, with the consent of the Treasury, order that any of the consents and conditions prescribed in this Act, or in any regulations made under this Act, be dispensed with, and may confirm the amalgamation or transfer. 5 10

(d.) This section shall not apply to branches.

Dissolution
of societies.

25. With respect to the dissolution of registered societies, the following provisions shall have effect :

How societies
may be dis-
solved.

(1.) A society may terminate or be dissolved in any of the following ways : 15

(a.) Upon the happening of any event declared by the rules to be the termination of the society :

(b.) As respects all societies other than friendly societies, by the consent of three fourths of the members, testified by their signatures to the instrument of dissolution : 20

(c.) As respects friendly societies, by the consent of five sixths in value of the members (including honorary members, if any), testified by their signatures to the instrument of dissolution, and also by the written consent of every person for the time being receiving or entitled to receive any relief, annuity, or other benefit from the funds of the society, unless the claim of such person be first duly satisfied, or adequate provision made for satisfying such claim : 25

(d.) By the award of the chief registrar in the cases herein specified. 30

Contents of
instrument
of dissolu-
tion.

(2.) The instrument of dissolution shall set forth—

(a.) The liabilities and assets of the society in detail :

(b.) The number of members and the nature of their interests in the society respectively : 35

(c.) The claims of creditors (if any), and the provision to be made for their payment :

(d.) The intended appropriation or division of the funds and property of the society unless the same be left to the award of the chief registrar ; 40

(3.) Alterations in the instrument of dissolution may be made with the like consents as herein-before provided, testified in the same manner.

Alterations
in instru-
ment of dis-
solution.

(4.) A statutory declaration shall be made by one of the trustees, or by three members and the secretary of the society, that the provisions of this Act have been complied with, and shall be sent to the registrar with the instrument of dissolution; and any person knowingly making a false or fraudulent declaration in the matter shall be guilty of a misdemeanor.

Statutory
declaration.

(5.) The instrument of dissolution and all alterations therein shall be registered in manner herein provided for the registry of rules, and shall be binding upon all the members of the society.

Registry of
instrument of
dissolution.

(6.) The registrar shall cause a notice of the dissolution to be advertised at the expense of the society in the manner provided by this Act for advertising an award of the registrar for dissolution; and unless within three months from the date of the Gazette in which such advertisement appears, a member or other person interested in or having any claim on the funds of the society commences proceedings to set aside the dissolution of the society, and such dissolution is set aside accordingly, the society shall be legally dissolved from the date of such advertisement, and the requisite consents to the instrument of dissolution shall be considered to have been duly obtained without proof of the signatures thereto.

Notice of
dissolution.

(7.) As respects friendly societies:

(a.) The value of members shall be ascertained by giving one vote to every member, and an additional vote for every five years that he has been a member, but to no one member more than five votes in the whole:

Special pro-
visions as to
friendly
societies.

(b.) No instrument of dissolution shall direct or contain any provision for a division or appropriation of the funds of the society, or any part thereof, otherwise than for the purpose of carrying into effect the objects of the society as declared in the rules thereof for the time being, unless the claim of every member or person claiming any relief, annuity, or other benefit from the funds thereof be first duly satisfied, or adequate provision be made for satisfying such claim:

(c.) Any officer or person aiding or abetting in the dissolution of a society, otherwise than as in this Act provided, shall, on summary conviction, be liable to be committed to the common gaol or house of correction, there to be kept to hard labour for any term not exceeding three months:

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(d.) If any member of a dissolved society, or person claiming any relief, annuity, or other benefit from the funds thereof, be dissatisfied with the provision made for satisfying his claim, such member or other person may apply to the county court of the district within which the chief or any other place of business of the society is situate for relief or other order, and such court shall have the same powers in the matter as in regard to the settlement of disputes under this Act.

Dissolution
by award, &c.

(8.) With respect to dissolutions and the distribution of funds upon the award of the chief registrar :

(a.) Upon the application of three-eighths of the whole number of members of any registered society, or of one hundred members in the case of a society of one thousand members and not exceeding ten thousand, or of five hundred members in the case of a society of more than ten thousand members, made in writing under their hands, setting forth that the funds of the society are insufficient to meet the existing claims thereon, or that the rates of contribution fixed in the rules of such society are insufficient to cover the benefits assured, and the grounds upon which such insufficiency is alleged, and requesting an investigation into the affairs of such society with a view to the dissolution thereof, the chief registrar may by himself, or by any assistant registrar, or by any actuary or public auditor whom the chief registrar may appoint in writing under his hand, investigate the affairs of the society, giving nevertheless not less than two months previous notice in writing to the society whose affairs are to be investigated at the registered office of such society :

(b.) If upon such investigation it appears that the funds of the society are insufficient to meet the existing claims thereon, or that the rates of contribution fixed in the rules of the society are insufficient to cover the benefits assured to be given by the same, the chief registrar may, if he considers it expedient so to do, award that the society shall be dissolved, and its affairs wound up, and shall direct in what manner the assets of the society shall be divided or appropriated :

(c.) A registrar proceeding under this section has all the same powers and authorities, enforceable by the same penalties, as in the case of a dispute referred to him under this Act :

(d.) Every award under this section, whether for dissolution A.D. 1875.

or distribution of funds, is final and conclusive on the society in respect of which the same is made, and on all members of the same, and other persons having any claim on the funds of the society, without appeal, and shall be enforced in the same manner as a decision on a dispute under this Act; and the expenses of every investigation and award, and of publishing every notice of dissolution, shall be paid out of the funds of the society before any other appropriation thereof shall be made :

(e.) Notice of every award for dissolution shall, within twenty-one days after the same shall have been made, be advertised by the central office in the Gazette, and in some newspaper circulating in the county in which the registered office of the society is situated, and unless, within three months from the date of the Gazette in which such advertisement appears, a member or other person interested in or having any claim on the funds of the society commences proceedings to set aside the dissolution of the society, consequent upon such award, and such dissolution is set aside accordingly, the society shall be legally dissolved from the date of such advertisement, and the requisite consents to the application to the registrar shall be considered to have been duly obtained without proof of the signatures thereto.

(9.) The provisions of the present section shall not apply to any society having branches without the consent of the central body of such society. Consent of central body.

26. No person, by reason of his enrolment or service in the militia or as a naval coast volunteer, Royal Naval volunteer, naval artillery volunteer, or in any corps of yeomanry or volunteers whatsoever, shall lose or forfeit any interest he possesses at the time of his being so enrolled or serving in any friendly society, registered or unregistered, any rules of such society to the contrary notwithstanding, and any dispute between any such society and such person by reason of such enrolment or service shall be decided by a court of summary jurisdiction under this Act; but if the rules of a society certified before the twenty-third day of July one thousand eight hundred and fifty-five, and in force at the time of such enrolment or service, provide that a member shall be deprived of any benefit by reason of such enrolment or service, the society may require of

Militiamen and volunteers not to lose benefits.

A.D. 1875. such member a contribution exceeding the rate of contribution otherwise payable by him to an amount not exceeding one tenth of such rate during the time such member shall be serving out of the United Kingdom, or may suspend all claim of such member to any benefits assured by the society, and all claim of the society to any contributions payable by such member, during the time only he may be serving out of the United Kingdom, but so that if he return to the United Kingdom he shall forthwith be replaced on the same footing as before he went abroad on service.

Limitations
of benefits.

27. No member of a registered friendly society, nor any person claiming through a member, shall be entitled to receive more than two hundred pounds by way of gross sum, or (except as provided by section six of this Act) thirty pounds a year by way of annuity, from any one or more such societies; and any such society may require a member, or person claiming through a member, to make and sign a statutory declaration that the total amount to which such member or person is entitled from one or more such societies does not exceed the sums aforesaid; and any person knowingly making a false or fraudulent declaration in the matter shall be guilty of a misdemeanor.

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Payments on
death of
children.

Limitation
of payments.

28. With respect to payments on the death of children under ten years of age, the following provisions shall have effect:—

(1.) No society shall insure or pay on the death of a child under three years of age any sum of money which, added to any amount payable on the death of such child by any other society, exceeds three pounds, or on the death of a child under five years of age any sum of money which, added to any amount payable on the death of such child by any other society, exceeds six pounds, or on the death of a child under ten years of age any sum of money which, added to any amount payable on the death of such child by any other society, exceeds ten pounds.

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Who may
receive pay-
ments.

(2.) No society shall pay any sum on the death of a child under ten years of age except to the parent of such child, or to the personal representative of such parent, and upon the production by such parent or his personal representative of a certificate of death issued by the registrar of deaths, or other person having the care of the register of deaths, containing the particulars after mentioned.

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Particulars
of certifi-
cates.

(3.) Whenever a certificate of the death of a child is applied for for the purpose of obtaining a sum of money from a society, the name of such society and the sum sought to be obtained therefrom shall be stated to the registrar of deaths, who shall write on or at the foot of such certificate the words “to be produced to the

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“society” (naming the same) “said to be liable for payment of the sum of *l.*” (stating the same), and all certificates of the same death shall be numbered in consecutive order.

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(4.) No registrar of deaths shall give any one or more certificates of death for the payment in the whole of any sum of money exceeding three pounds on the death of a child under three years of age, or for the payment in the whole of a sum exceeding six pounds on the death of a child under five years, or for the payment in the whole of a sum exceeding ten pounds on the death of a child under ten years; and no such certificate shall be granted unless the cause of death has been previously entered in the register of deaths on the certificate of a registered medical practitioner who attended such deceased child during its last illness, or except upon the production of such medical certificate of the probable cause of death as the registrar of deaths shall deem sufficient.

Registrars of deaths only to give certificates in certain cases.

(5.) Any society to which is produced a certificate of the death of a child which does not purport to be the first shall, before paying any money thereon, be bound to inquire whether any and what sums of money have been paid on the same death by any other society.

Inquiry to be made by societies.

(6.) It shall be an offence under this Act—

(a.) If any society pays money on the death of a child under ten years of age otherwise than is provided by this Act; (b.) If any parent or personal representative of a parent claiming money on the death of a child produces any certificate of such death other than is herein provided to the society or societies from which the money is claimed, or produces a false certificate, or one fraudulently obtained, or in any way attempts to defeat the provisions of this Act with respect to payments upon the death of children.

Offences under this section.

(7.) The word “society” in the present section shall include all persons and bodies corporate or unincorporate assuring the payment of money on the death of children under the age of ten years.

Extent of word “society.”

(8.) No assurance made or to be made by any person or body corporate or unincorporate, not being a registered society, of a sum of money payable on the death of a child under the age of ten years, which would be valid if effected with a registered society, shall be invalidated by reason of any provision contained in the Act of the fourteenth year of His late Majesty King George the Third, chapter forty-eight, for regulating insurances upon lives and for prohibiting all such insurances except in cases where the person insuring shall have an interest in the life of the persons insured.

Assurances on children's lives not to be void under 14 Geo. 3. c. 48.

- A.D. 1875. (9.) Provided that nothing in this section contained shall apply to insurances on the lives of children of any age, where the person insuring has an interest in the life of the person insured, or to existing contracts.
- Insurable interests.
- Societies with branches.
- How to be registered.
29. The provisions of the present section apply only to societies having branches :
- (1.) The application for registry shall be accompanied with--
- (a.) A list of every branch, and of the place wherein the same is established :
- (b.) If any branch is to have trustees or officers authorised to sue and be sued on its behalf other than the trustees or officers authorised to sue and be sued on behalf of the society, a list of the names of all trustees or such officers, distinguishing the branches for which they are authorised to sue and be sued : 15
- (c.) If the rules of all the branches (herein called branch rules) are or are intended to be identical, a statement to that effect, and copies of such rules :
- (d.) If the branch rules are not or are not intended to be identical, a statement to that effect, and copies of all 20 branch rules.
- Recording of branch rules. (2.) A society having a fund under the control of a central body to which every branch is bound to contribute may be registered as a single society.
- Where such society has branches in more than one country, the 25 provision herein contained as to the registry of societies doing business in more than one country shall apply to the society.
- Notices of establishment of new branches. (3.) Notice of the establishment of every new branch by a registered society, and of the place where the same is established, and if such branch is to have trustees or officers authorised to sue and 30 be sued on its behalf other than the trustees or officers authorised to sue and be sued on behalf of the society, a list of the names of such trustees or officers, and a statement whether or not the rules of such branch are identical with those of the other branches of the society, and, if not so, a copy of the rules of such branch, shall be 35 sent under the hand of the secretary to the registrar whom it may concern.
- Until copies of branch rules registered, Act not to apply to branch. (4.) Until a copy of the rules of a branch (in the case hereinbefore mentioned) has been registered in the country in which such branch is established, the society is not entitled to any of the pri- 40 vileges of this Act in respect of such branch, and until a copy of

any amendment of the rules of a branch has been so registered the same does not take effect as respects such branch. A.D. 1875.

(5.) The provisions of this Act as to appeals, and the result thereof, as to amendments of rules, as to the acknowledgment of registry, and the evidence of registry and of rules, apply to branch rules. Application of previous provisions.

(6.) Where a society has no fund under the control of a central body to which every branch is bound to contribute, every branch is deemed to be and must be registered as a separate society, whether its rules are identical with those of other branches or not. Where branches must be separately registered.

30. The provisions of the present section apply only to friendly societies receiving contributions in more counties than one (whether of England, Scotland, or Ireland) by means of collectors. Societies receiving contributions in two or more counties by collectors.

(1.) The society shall deliver to every person, on his becoming a member of or insuring with a society, a copy of the rules of the society, together with a printed policy signed by two of the committee or managers of the society and by the secretary, at a price not exceeding one penny for the rules and one penny for the policy. Members to receive copies of rules and policies.

(2.) No forfeiture is incurred by any member or person insured by reason of any default in paying any contribution, until after a written or printed notice has been delivered or sent by post prepaid to him, or left at his last known place of abode, by or on behalf of the society, stating the amount due by him, and apprizing him that in case of default of payment by him at a reasonable time and place, to be specified in such notice, his interest or benefit will be forfeited, and after default has been made by him in paying his contribution in accordance with such notice. Notice to be given before forfeiture.

(3.) No member of or person insured with any society can, unless in the case of an amalgamation, transfer of engagements, or conversion into a company under section twenty-four of this Act, become or be made a member of or be insured with any other society, or any company registered under the Companies Acts, without his written consent, or, in the case of an infant, without that of his father or other guardian; and, notwithstanding any attempt to transfer any member or person insured from one society to another, or to a company as aforesaid, without such consent, the society from which he is sought to be transferred remains liable to fulfil all its engagements towards such member or person, and all persons claiming through him; and the society or company to which such member or person is sought to be transferred shall within seven days from his application for admission to the same give notice No transfers without written consent.

A.D. 1875. thereof in writing to the society from which he is sought to be transferred.

No collector to be member of committee of management.

(4.) No collector, whilst he is such, is capable of being a member of the committee of management, or other governing body (by whatever name) of the society, or of holding any other office in the society, except that of superintending collectors within an area to be from time to time specified.

Collectors not to vote.

(5.) No collector of a society is capable of voting at or taking part in the proceedings of any meeting of the same.

One general meeting every year. Notices of meetings.

(6.) At least one general meeting of the society shall be held in every year.

(7.) Except where the day, hour, and place of an annual or other periodical meeting is fixed by the rules, notice of every general meeting shall be given by the society to the members by advertisement to be published at least twice in two or more of the newspapers in general circulation in every county where the society carries on business, or shall be delivered in writing or sent by post prepaid to every member. Such notice shall specify the day, hour, and place, and the objects of the meeting, and in case any amendment of a rule is intended to be proposed shall contain a copy of every such amendment; and the society shall publish the last of such advertisements, or deliver or send such notice as aforesaid, at least fourteen days before the day appointed for such meeting, and shall during such fourteen days keep affixed a copy of such notice in legible characters in some conspicuous place in or outside of every office at which the business of the society is carried on.

Balance sheets.

(8.) A copy of every balance sheet of a society shall, during the seven days next preceding the meeting at which the same is to be presented, be kept open by the society for inspection at every office at which the business of the society is carried on, and shall be delivered or sent prepaid to every member on demand.

Certification of annual returns.

(9.) The annual returns shall be certified by some person not an officer of the society (otherwise than auditor thereof), carrying on publicly the business of an accountant, and if not so certified shall be deemed not to have been made.

Disputes.

(10.) In all disputes between a society and any member or person insured, or any person claiming through a member or person insured, or under the rules, such member or person may, notwithstanding any provisions of the rules of such society to the contrary, apply to the county court, or to the court of summary jurisdiction for the place where such member or other person resides, and such court may settle such dispute in manner herein provided.

(11.) It shall be an offence under this Act—

A.D. 1875.

(a.) If any collector of a society to which this section applies becomes a member of the committee, or holds any other office in the same (except as aforesaid), or if any member of the committee of management becomes a collector, or if any collector votes at or takes part in the proceedings of a general meeting :

Offences
under this
section.

(b.) If any person attempts to transfer a member or person insured from one society to another, or to a company, without such written consent as herein mentioned :

(c.) If a society or company to which a member or person is sought to be transferred fails to give such notice as hereinbefore required.

(12.) All the provisions of the present section apply to societies existing at the commencement of this Act, and shall be contained in the rules of all future societies to which this section applies; and, except the provision numbered (9), the same shall apply to all societies to which this section applies, whether registered under this Act or not, existing for any purpose mentioned in section eight of this Act; and any act or omission which by virtue of this and of any other section would be an offence under this Act on the part of a registered society shall be an offence on the part of a society that is not registered.

Provisions
of present
section to be
contained in
rules.

31. The provisions of the present section apply only to registered cattle insurance societies, and to such specially authorised societies as the Treasury may allow to take the benefit of the present section :

As to cattle
insurance
and certain
other
societies.

(1.) The rules bind the society and the members thereof, and all persons claiming through them respectively, to the same extent as if each member had subscribed his name and affixed his seal thereto, and there were in such rules contained a covenant on the part of himself, his heirs, executors, and administrators, to conform to such rules subject to the provisions of this Act.

Rules to
have effect
of covenant
by members.

(2.) All moneys payable by a member to the society are deemed to be a debt due from such member to the society, and are recoverable as such in the county court of the district in which the place or principal place of business of the society is situate, or in which such member resides.

Money pay-
able by
members to
be recover-
able as debt.

32. With respect to penalties under this Act, the following provisions shall have effect :

Penalties.

- A.D. 1875. (1.) If any person wilfully makes or orders to be made any entry in or omission from any balance sheet of a registered society, or any contribution or collecting book, or any return or document required to be sent, produced, or delivered for the purposes of this Act, with intent to falsify the same, he is liable to a penalty not exceeding *fifty pounds*, recoverable at the suit of the chief or any assistant registrar. 5
- Penalty for falsification.
- Penalties for ordinary offences. (2.) Every society, officer or member of a society, or other person guilty of an offence under this Act for which no penalty is expressly provided herein is liable to a penalty of not less than *one pound* 10 and not more than *five pounds*, recoverable at the suit of the chief or any assistant registrar or of any person aggrieved.
- Recovery of penalties. (3.) All penalties imposed by this Act, or to be imposed by any regulations under the same, or by the rules of a registered society, are recoverable in a court of summary jurisdiction. 15
- Summary procedure and appeals. **33.** With respect to summary procedure and appeals from orders or convictions thereon made, the following provisions shall have effect :
- (1.) In England and Ireland all offences and penalties under this Act may be prosecuted and recovered, in the manner directed by 20 the Summary Jurisdiction Acts, in the place where the registered office of the society is, or where the offence has been committed.
- (2.) In England and Ireland summary orders under this Act may be made and enforced on complaint before a court of summary jurisdiction in the manner provided by the Summary Jurisdiction 25 Acts.
- (3.) The court of summary jurisdiction, when hearing and determining an information or complaint, shall consist as follows :—
- In England—
- (a.) In any place within the jurisdiction of a metropolitan 30 police magistrate or other stipendiary magistrate, of such magistrate or his substitute :
- (b.) In the city of London, of the lord mayor or any alderman of that city :
- (c.) In any other place, of two or more justices of the peace 35 sitting in petty sessions.
- In Ireland—
- (a.) In the police district of Dublin metropolis, of a divisional justice :
- (b.) In any other place, of a resident magistrate. 40
- (4.) In Scotland—
- (a.) All offences and penalties under this Act may be prosecuted

and recovered by the procurator fiscal of the county in the Sheriff Court, under the provisions of the Summary Procedure Act, 1864: A.D. 1875.

- 5 (b.) Summary orders may be made and enforced on complaint in the Sheriff Court:
- (c.) All penalties may be enforced in default of payment by imprisonment for a term to be specified in the summons or complaint, but not exceeding three months:
- 10 (d.) All penalties recovered shall be paid to the sheriff clerk, and by him accounted for and paid to the Queen's and Lord Treasurer's Remembrancer on behalf of the Crown:
- (e.) The sheriffs and their substitutes shall have all jurisdiction, power, and authority necessary for giving effect to these provisions.
- 15 (5.) In any information or complaint under this Act it is sufficient to describe the offence in the words of this Act, and no exception, exemption, proviso, excuse, or qualification accompanying the description of the offence in this Act need be specified or negatived. Description of offences.
- 20 (6.) In England or Ireland any party may appeal from any order or conviction made by a court of summary jurisdiction on determining any complaint or information under this Act as follows: Appeals.
- 25 (a.) The appeal shall be made to some court of general or quarter sessions for the county or place in which the cause of appeal has arisen, holden not less than fifteen days and not more than four months after the decision appealed from:
- 30 (b.) The appellant shall within seven days after the cause of appeal has arisen give notice to the other party and to the court of summary jurisdiction of his intention to appeal, and of the ground thereof:
- 35 (c.) The appellant shall immediately after such notice enter into a recognizance before a justice of the peace in the sum of ten pounds, with two sufficient sureties in the sum of ten pounds, conditioned personally to try such appeal, and to abide the judgment of the court thereon, and to pay costs if awarded:
- 40 (d.) Where the appellant is in custody, the justice may, on the appellant entering into such recognizance as aforesaid, release him from custody:
- (e.) The court of appeal may adjourn the appeal, and upon the hearing thereof may confirm, reverse, or modify the deci-

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sion of the court of summary jurisdiction, or remit the matter to such court with the opinion of the court of appeal thereon, or make such other order in the matter as the court thinks just:

(f.) If the matter be remitted to the court of summary jurisdiction, such court shall thereupon rehear and decide the information or complaint in accordance with the opinion of the court of appeal.

(7.) In Scotland any person may appeal from any order or conviction under this Act to the next circuit court of justiciary, or where there are no circuit courts to the High Court of Justiciary at Edinburgh, in the manner prescribed by such of the provisions of the Act of the twentieth year of His Majesty King George the Second, chapter forty-three, and any Acts amending the same, as relate to appeals in matters criminal, and by and under the rules, limitations, conditions, and restrictions contained in the said provisions.

Regulation
of proceed-
ings in
county
courts.

34. Proceedings under this Act by and before the judges of county courts may be regulated in England by any rules and orders of court to be made in that behalf under the Supreme Court of Judicature Act, 1873, in Scotland by any acts of sederunt of the Court of Session, and in Ireland by any orders made by the Lord Chancellor, and until otherwise provided are regulated by such rules and orders, and acts of sederunt made under the forty-third section of the Act of the eighteenth and nineteenth years of Her present Majesty, chapter sixty-three, as may be in force at the commencement of this Act.

The registrar and high bailiffs of the county courts shall be remunerated for the duties to be performed by them under this Act in such manner as the Treasury, with the consent of the Lord Chancellor, shall from time to time order and direct.

Public
auditors.

35. The Treasury may from time to time appoint public auditors for the purposes of this Act, and may determine from time to time the rates of remuneration to be paid by societies for the services of such auditors; but the employment of such auditors is not compulsory on any society.

Fees.

36. The Treasury may determine a scale of fees to be paid for matters to be transacted or for the inspection of documents under this Act; but no fee shall be payable on the registry of any friendly, benevolent, or cattle insurance society, or working men's club, or of any amendment of the rules of the same.

All fees which may be received by any registrar under or by virtue of this Act shall be paid into the receipt of Her Majesty's Exchequer. A.D. 1875.

37. The Treasury shall, out of money to be provided by Parliament, pay to the chief and assistant registrars such salaries or other remunerations respectively, and such sums of money for defraying the expenses of office rent, salaries of clerks and servants, remuneration for actuaries, accountants, and inspectors, computation of tables, publication of documents, diffusion of information, expenses of prosecutions, travelling expenses and other allowances of the chief or any assistant registrar, and other expenses which may be incurred for carrying out the purposes of this Act, and may also pay to any public auditors to be appointed under this Act such remuneration (if any) as the Treasury shall from time to time allow. Payment of salaries and expenses.

38. The Treasury may from time to time make regulations respecting registry and procedure under this Act, and the seal and forms to be used for such registry, and the duties and functions of the registrar, and the inspection of documents kept by the registrar under this Act, and generally for carrying this Act into effect. Regulations to be made for carrying out the Act.

All such regulations shall be laid before both Houses of Parliament within ten days after the approval thereof if Parliament is then sitting, or if not then sitting, then within ten days from the then next assembling of Parliament.

25 Until otherwise provided, the forms contained in the fourth schedule to this Act shall be used.

39. Every instrument or document, copy or extract of an instrument or document, bearing the seal or stamp of the central office, shall be received in evidence without further proof; and every document purporting to be signed by the chief or any assistant registrar, or any inspector, or public auditor under this Act, shall, in the absence of any evidence to the contrary, be received in evidence without proof of the signature. Evidence of documents.

40. With respect to the Isle of Man the provisions of this Act shall be varied as follows: Application of Act to Isle of Man.

(1.) The terms "Supreme Court of Judicature" and "county court" respectively mean the Court of Chancery of the said Isle, in which court the proceedings under this Act may be regulated by rules and orders to be made in that behalf by the court, and, until otherwise provided, shall be regulated according to the ordinary practice of such court:

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(2.) The terms “the Companies Acts” and “the Companies Act, 1862,” respectively mean the law for the time being in force in the said Isle for the regulating and winding-up of companies :

(3.) The term “Summary Jurisdiction Acts” means the law for the time being in force in the said Isle for regulating the exercise of 5 summary jurisdiction by justices of the peace :

(4.) All offences and penalties under this Act shall be prosecuted and recovered summarily before a high bailiff or two justices of the peace at the suit or instance of a registrar or of a head constable :

(5.) All penalties recovered under this Act shall be paid to the 10 treasurer of the said Isle, and be added to the general revenue of the said Isle :

(6.) Any person may appeal from any order or conviction to be made in a case of summary jurisdiction under this Act in the manner prescribed by the law in force in the said Isle as to appeals 15 in cases of summary jurisdiction.

Application
of Act to
Channel
Islands.

41. With respect to the Channel Islands this Act shall be varied as follows :

1. As respects the Island of Jersey, the following provisions shall have effect :

20

(a.) The term “county court” means the court for the recovery of petty debts, in all cases in which the claim or demand shall not exceed the sum of ten pounds sterling, and in all other cases it means the inferior number of the royal court of the said island, composed of the bailiff and two 25 jurats of the said court :

(b.) The term “court of summary jurisdiction” has in civil cases the same meaning as the term county court :

(c.) All misdemeanors under this Act shall be prosecuted, tried, and punished in the form and manner prescribed by the 30 law and custom of the said island with respect to crimes and offences (crimes et délits) :

(d.) All other offences and all penalties under this Act shall be prosecuted and recovered summarily before the magistrate of the court for the repression of minor offences, in all 35 cases of his competency, at the suit or instance of the bailiff of the parish in which the offence or other unlawful act shall have been committed, and in all other cases before the bailiff and two jurats of the royal court, at the suit or instance of Her Majesty’s Procurator General for 40 the said island :

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- (e.) All penalties recovered under this Act shall be paid to the officers who by the law and practice of the said island are entitled to receive fines levied by order of the said courts respectively, and shall by such officers be accounted for and paid to Her Majesty's Receiver General in the said island on behalf of the Crown :
- (f.) The powers conferred under this Act on two justices shall be exercised by the inferior number of the royal court of the said island :
- (g.) Clause thirty-three of this Act, and the term "Summary Jurisdiction Acts," shall not apply to the said island, but all proceedings under this Act in any of the courts of the said island shall be regulated according to the ordinary practice of such courts respectively, and all penalties shall in default of payment be enforced in the same manner as fines payable to the Crown in the said island :
- (h.) The rules prescribed by the law of the said island with respect to appeals in civil and criminal cases shall be followed as to appeals from any orders, judgments, or convictions made in cases of summary jurisdiction under this Act :
- (i.) The terms "the Companies Acts," and "the Companies Act, 1862," shall be taken to mean the law which from time to time may be in force in the said island for the formation, regulation, and winding up of companies.
2. As respects the bailiwick of the Island of Guernsey :
- (a.) The court of primary instance within the bailiwick shall have all such powers and authorities as are by this Act conferred either on justices of the peace or on judges of county courts in England : Provided that a sentence may be appealed from if the case admits of an appeal, under the orders in council now in force within the bailiwick, but that the decision of the royal court when sitting in a body as a court of appeal shall be final :
- (b.) When any sum of money becomes payable on the death of a member, such sum of money shall, in default of any direction or nomination such as is contemplated by this Act, be paid to the deceased member's legal representative, according to the law of Guernsey :
- (c.) All friendly societies within the bailiwick shall be authorised to invest any part of their funds in the states bonds either of Guernsey or of Alderney :

A.D. 1875.

- (d.) The term "the Companies Act" means the law for the time being in force in the said bailiwick for the regulation and winding up of companies :
- (e.) All offences and penalties under this Act shall be prosecuted and recovered summarily before the court of primary 5 jurisdiction at the suit or instance of the law officers of the Crown or of a constable of a parish :
- (f.) All penalties recovered under this Act shall be paid to the Receiver General, to be by him carried to the account of the Crown revenue.

SCHEDULES.

SCHEDULE I.

ACTS AND ENACTMENTS REPEALED.

	Date of Act.	Title of Act.	Extent of Repeal.
5	52 Geo. 3. c. 38.	An Act to amend the Laws relating to Local Militia in England.	Section 41.
	52 Geo. 3. c. 68.	An Act for amending the Laws relating to Local Militia in Scotland.	Section 39.
10	17 & 18 Vict. c. 105.	An Act to amend the Law relating to the Militia in England and Wales.	Section 44.
	17 & 18 Vict. c. 106.	An Act for amending the Laws relating to the Militia and raising a Volunteer Militia Force in Scotland.	Section 69.
15	17 & 18 Vict. c. 107.	An Act for amending the Laws relating to the Militia and raising a Volunteer Militia Force in Ireland.	Section 27.
	18 & 19 Vict. c. 63.	An Act to consolidate and amend the Law relating to Friendly Societies.	The whole.
20	21 & 22 Vict. c. 101.	An Act to amend the Act of the 18th and 19th years of Her present Majesty, chapter 63, relating to Friendly Societies.	The whole.
	22 & 23 Vict. c. 40.	An Act for the establishment of a Reserve Volunteer Force of Seamen, and for the government of the same.	Section 23.
25	23 Vict. c. 13.	An Act to prevent the members of Benefit Societies from forfeiting their interest therein by being enrolled in Yeomanry or Volunteer Corps.	The whole.
30	23 & 24 Vict. c. 58.	An Act to amend an Act of the 18th and 19th years of Her Majesty relating to Friendly Societies.	The whole.
	26 & 27 Vict. c. 65.	An Act to consolidate and amend the Acts relating to the Volunteer Force in Great Britain.	Section 44.
35	29 Vict. c. 34.	An Act to give further facilities for the establishment of Societies for the Assurance of Cattle and other Animals.	The whole.
40	36 & 37 Vict. c. 77.	An Act to provide for the establishment of a Royal Naval Artillery Volunteer Force.	Section 33.

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SCHEDULE II.

MATTERS TO BE PROVIDED FOR BY THE RULES OF SOCIETIES
REGISTERED UNDER THIS ACT.

1. The name and place of office of the society.
2. The whole of the objects for which the society is to be established, the 5
purposes for which the funds thereof shall be applicable, the terms of admis-
sion of members, the conditions under which any member may become entitled
to any benefit assured thereby, and the fines and forfeitures to be imposed on
any member.
3. The mode of holding meetings and right of voting, and the manner of 10
making, altering, or rescinding rules.
4. The appointment and removal of a committee of management (by whatever
name), of a treasurer and other officers, and of trustees, and in the case of a
society with branches, the composition of the central body, and the conditions 15
under which a branch may secede from the society.
5. The investment of the funds, the keeping of the accounts, and the audit of
the same once a year at least.
6. Annual returns to the registrar of the receipts, funds, effects and expen-
diture and number of members of the society.
7. The inspection of the books of the society by every person having an 20
interest in the funds of the society.
8. The manner in which disputes between the society and any of its members,
and any person claiming through a member or under the rules, shall be settled.
And also in the case of friendly and cattle insurance societies:—
1. The keeping separate accounts of all moneys received or paid on account 25
of every particular fund or benefit assured for which a separate table of contri-
butions payable shall have been adopted, and the keeping separate account of
the expenses of management, and of all contributions on account thereof.
2. (Except as to cattle insurance societies) returns every five years to the 30
registrar of the sickness and mortality of the society.
3. (Except as to cattle insurance societies) a valuation once at least in every
five years of the assets and liabilities of the society, including the estimated
risks and contributions.
4. The voluntary dissolution of the society by consent of not less than five-
sixths in value of the members, and of every person for the time being entitled 35
to any benefit from the funds of the society, unless his claim be first satisfied
or adequately provided for.
5. The right of three-eighths of the total number of members, or of one
hundred members in the case of a society of one thousand members and not
exceeding five thousand, or of five hundred members in the case of a society of 40
more than ten thousand members to apply to the chief registrar for an inves-
tigation of the affairs of the society, for winding up the same, or for an adjustment
of contributions and benefits.

A.D. 1875.

SCHEDULE III.

FORM OF BOND.

(1.)—In England or Ireland.

KNOW all men by these presents, that we, *A.B.* of _____ one of the
 5 officers of the _____ society, established at _____, in the county
 of _____, and *C.D.* of _____ (as surety on behalf
 of the said *A.B.*) are jointly and severally held and firmly bound to *A.B.* of
 _____, *C.D.* of _____, and *E.F.* of _____, the
 trustees of the said society, in the sum of _____ to be paid to the
 10 said *A.B.*, *C.D.*, and *E.F.*, as such trustees, or their successors, trustees for
 the time being, or their certain attorney; for which payment well and truly to
 be made we jointly and severally bind ourselves, and each of us by himself,
 our and each of our heirs, executors, and administrators, firmly by these presents.
 Sealed with our seals. Dated the _____ day of _____ in the year
 15 of our Lord _____.

Whereas the above-bounden *A.B.* has been duly appointed to the office
 of _____ of the _____ society, established as aforesaid, and he, together
 with the above-bounden *C.D.* as his surety, have entered into the above-written
 bond, subject to the condition herein-after contained: Now therefore the con-
 20 dition of the above-written bond is such, that if the said *A.B.* do render a just
 and true account of all monies received and paid by him on account of the
 said society, at such times as the rules thereof appoint, and do pay over all the
 monies remaining in his hands, and assign and transfer or deliver all property
 (including books and papers) belonging to the said society in his hands or
 25 custody to such person or persons as the said society or the trustees or com-
 mittee of management thereof shall appoint, according to the rules of the said
 society, together with the proper and legal receipts or vouchers for such pay-
 ments, then the above-written bond shall be void, otherwise shall remain in full
 force.

30 Sealed and delivered in the presence of _____ [two witnesses.]

(2.)—In Scotland.

I *A.B.* of _____ hereby bind and oblige myself,
 to the extent of £ _____ at most, as caution and surety for *C.D.*, a person
 employed by the _____ society, that he, the said *C.D.*, shall on
 35 demand faithfully and truly account for all monies received and paid to him for
 behoof of the said society, and also assign and transfer or deliver all property
 (including books and papers) belonging to the said society in his hands or
 custody, and that to such person or persons as the said society or the trustees
 thereof shall appoint, according to the rules of the said society.

40 Dated at _____ this _____ day of _____
 _____ Signature of Cautioner.

E.F. of witness.

G.H. of witness.

The above bond shall not require a testing clause or subscription clause, and
 45 may be wholly written or wholly printed, or partly written and partly printed.

A.D. 1875.

FORM OF RECEIPT TO BE ENDORSED ON MORTGAGE OR FURTHER
CHARGE.

The trustees of the _____ society hereby acknowledge to have received all moneys intended to be received by the within [or above] written deed.

Signed [*Signatures of Trustees.*] 5
Trustees.

Countersigned [*Signature of Secretary*]
Secretary.

SCHEDULE IV.

ACKNOWLEDGMENT OF REGISTRY OF SOCIETY. 10

The Society is registered as a [*friendly society, cattle insurance society, benevolent society, working men's club, or specially authorised society*], under the Friendly Societies Act, 1875, this day of .

[Seal or stamp of central office, or signature of Assistant Registrar for Scotland or Ireland.] 15

ACKNOWLEDGMENT OF REGISTRY OF AMENDMENT OF RULES.

The foregoing amendment of the rules of the _____ Society is registered under the Friendly Societies Act, 1875, this _____ day of _____

[Seal or stamp of central office, or signature of Assistant Registrar for Scotland or Ireland.] 20

Friendly Societies.

A

BILL

[AS AMENDED IN COMMITTEE]

To consolidate and amend the Law
relating to Friendly and other
Societies.

*(Prepared and brought in by
Mr. Chancellor of the Exchequer, Mr. Secretary
Cross, and Mr. William Henry Smith.)*

*Ordered, by The House of Commons, to be Printed,
13 May 1875.*

[Bill 169.]

Under 7 oz.

Friendly Societies Bill.

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title of Act.
 2. Commencement of Act.
 3. Extent of Act.
 4. Definitions.
 5. Repeal.
 6. Existing societies.
 7. Societies with deposited rules.
 8. Classes of societies.
 9. Limited application of Act.
 10. The registry office.
 11. Registry of societies.
 12. Cancelling and suspension of registry.
 13. Rules and amendments.
 14. Duties and obligations of societies.
 15. Privileges of societies.
 16. Property and funds of societies.
 17. Investments with National Debt Commissioners.
 18. Loans to members.
 19. Accumulating surplus of contributions for member's use.
 20. Officers in receipt or charge of money.
 21. Legal proceedings.
 22. Disputes.
 23. Special powers of registrars to be exercised on application from members.
 24. Special resolutions, and proceedings which may be taken thereon.
 25. Dissolution of societies.
 26. Militiamen and volunteers not to lose benefits.
 27. Limitations of benefits.
 28. Payments on death of children.
 29. Societies with branches.
- [Bill 196.]

Clause.

30. Societies receiving contributions in two or more counties by collectors.
31. As to cattle insurance and certain other societies.
32. Penalties.
33. Summary procedure and appeals.
34. Regulation of proceedings in county courts.
35. Public auditors.
36. Fees.
37. Payment of salaries and expenses.
38. Regulations to be made for carrying out the Act.
39. Evidence of documents.
40. Application of Act to Isle of Man.
41. Application of Act to Channel Islands.

SCHEDULES.

A

B I L L

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

TO

Consolidate and amend the Law relating to Friendly and A.D. 1875.
other Societies.

WHEREAS it is expedient to consolidate and amend the law relating to friendly and certain other societies :

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as The Friendly Societies Act, 1875.

Short title
of Act.

2. This Act shall come into operation as to section 10 on the passing of the Act, and as to the remainder of the Act on the first day of January one thousand eight hundred and seventy-six, which day is herein-after referred to as the commencement of this Act.

Commence-
ment of Act.

3. This Act extends to Great Britain and Ireland, the Channel Islands, and the Isle of Man.

Extent of
Act.

4. In this Act, if not inconsistent with the context, the following terms have the meanings herein-after respectively assigned to them :

Definitions.

"The Treasury" means the Lords Commissioners of Her Majesty's Treasury :

"England" includes the Channel Islands and the Isle of Man (except as herein-after provided) :

20 "The Registrar" means for England the central office, and for Scotland or Ireland the assistant registrar for either country respectively :

"Country" means England, Scotland or Ireland, as the case may be :

25 The several ridings of the county of York, the several Channel Islands, and the Isle of Man, respectively, shall be deemed to be counties :

"Land" includes hereditaments, and in Scotland heritable subjects, of whatever description, and chattels real :

[Bill 196.]

A

A.D. 1875.

- “Property” means all real and personal estate (including books and papers):
- “Registered society” means a society registered or deemed to be registered under this Act:
- “Amendment of rule” includes a new rule, and a resolution rescinding a rule: 5
- “Rules” means rules for the time being: 10
- “Branch” means any number of the members of a society, under the control of a central body, having a separate fund, administered by themselves or by a committee or officers appointed by themselves: 10
- “Persons claiming through a member” includes the heirs, executors, administrators, and assigns of a member, and also his nominees where nomination is allowed:
- “Collector” includes every paid officer, agent, or person, howsoever remunerated, who, by himself or by any deputy or substitute, collects contributions for a society, or holds any interest in a collecting book of the same, but does not include— 15
- (a) The secretary or other officer of a branch of a society who receives contributions on behalf of such society, or of any other branch of the same: 20
- (b) Any officer appointed to superintend and receive moneys from collectors within a specified area, and not being himself a collector as herein-before defined: 25
- (c) Any agent appointed and remunerated by members, and not under the control of the society, or of any officer thereof:
- “Officer” extends to any trustee, treasurer, secretary, or member of the committee of management of a society, or person appointed by the society to sue and be sued on its behalf: 30
- “Meeting” includes (where the rules of a society so allow) a meeting of delegates appointed by members:
- For Scotland, “court of summary jurisdiction” means the sheriff court of the county: 35
- “County court” means for Scotland the sheriff court of the county, and for Ireland the Civil Bill Court; for Scotland, “administration” means confirmation, and “misdemeanor” a crime and offence:
- “Summary Jurisdiction Acts” means— 40
- As to England, the Act 11 & 12 Vict. c. 43, and any Acts amending the same:
- As to Ireland, within the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of

the peace for such district, and of the police of such district; elsewhere in Ireland, the “Petty Sessions (Ireland) Act, 1851,” and any Act amending the same: A.D. 1875.

5 “Gazette” means the London Gazette for England, the Edinburgh Gazette for Scotland, and the Dublin Gazette for Ireland.

10 5. The Acts set forth in the first schedule hereto are repealed from the commencement of this Act to the extent set forth in the third column of the said schedule; but this repeal, or anything
15 herein contained, shall not affect the past operation of the said Acts, or the force or operation, validity or invalidity, of anything done or suffered, or any bond or security given, right, title, obligation, or liability accrued, contract entered into, or proceedings taken, under any of the said Acts, or under the rules of any society registered or
15 certified thereunder, before the commencement of this Act. Repeal.

20 6. Every society now subsisting whose rules have been registered, enrolled, or certified under any Act relating to friendly societies or cattle insurance societies, shall be deemed to be a society registered under this Act, and its rules shall, so far as the same are not con-
25 trary to any express provision of this Act, continue in force until altered or rescinded. Existing societies.

25 Provided that nothing herein contained shall affect the validity of the rules of friendly societies established before the fifteenth day of August one thousand eight hundred and fifty, notwith-
25 standing that the contingent annual payments to which the members or the nominees of the members of such societies may become entitled may exceed the limit hereby fixed.

30 7. Section forty-four of the Act of the eighteenth and nineteenth Victoria, chapter sixty-three, shall continue to have effect (notwith-
30 standing its repeal by this Act) with regard to any society whose rules have been deposited thereunder, but only until the society is registered under this Act, or until the thirty-first day of December one thousand eight hundred and seventy-eight, whichever shall first happen. Societies with deposited rules.

35 8. The following societies may be registered under this Act; Classes of societies.
viz.,

(1.) Societies (herein called friendly societies) established to provide by voluntary subscriptions of the members thereof, with or without the aid of donations— Friendly societies.

40 For the relief or maintenance of the members, their husbands, wives, children, fathers, mothers, brothers or sisters, nephews
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or nieces, or wards being orphans, during sickness or other infirmity, whether bodily or mental, in old age (which shall mean any age after sixty,) or in widowhood, or for the relief or maintenance of the orphan children of members during minority ;

For insuring money to be paid on the birth of a member's child, 5
or on the death of a member, or for the funeral expenses of the husband, wife, or child of a member, or of the widow of a deceased member, or, as respects persons of the Jewish persuasion, for the payment of a sum of money during the period of confined mourning ;

For the relief or maintenance of the members when on travel in search of employment, or when in distressed circumstances, or in case of shipwreck, or loss or damage of or to boats or nets ;

For the endowment of members or nominees of members at any age ;

For the insurance against fire to any amount not exceeding fifteen 15
pounds of the tools or implements of the trade or calling of the members ;

Provided that no society (except as aforesaid) which contracts with any person for the assurance of an annuity exceeding thirty pounds per annum, or of a gross sum exceeding two hundred 20
pounds, shall be registered under this Act :

Cattle insurance societies.

(2.) Societies (herein called cattle insurance societies) for the insurance to any amount against loss by death of neat cattle, sheep, lambs, swine, and horses from disease or otherwise :

Benevolent societies.

(3.) Societies for any benevolent or charitable purpose (herein 25
called benevolent societies) :

Working men's clubs.

(4.) Societies (herein called working men's clubs) for purposes of social intercourse, mutual helpfulness, mental and moral improvement, and rational recreation :

Specially authorised societies.

(5.) Societies for any purpose which the Treasury may authorise 30
as a purpose to which the powers and facilities of this Act ought to be extended (herein called "specially authorised societies").

Limited application of Act.

9. The Treasury may limit the application of this Act, as respects specially authorised societies, to such of the provisions herein contained as may be specified in the authority for registering any such 35
society.

The registry office.

10. With respect to the registry office, the following provisions shall have effect :—

The chief and assistant registrars.

(1.) There shall be a chief registrar of friendly societies (herein termed "the chief registrar"), and one or more assistant registrars of friendly societies for England (herein termed "assistant 40
registrars for England"), and such chief registrar and assistant

registrars for England shall constitute the central office after mentioned. There shall be an assistant registrar of friendly societies for Scotland (herein termed "assistant registrar for Scotland"), and an assistant registrar of friendly societies for Ireland (herein termed "assistant registrar for Ireland").

A.D. 1875.

(2.) Every chief registrar and assistant registrar shall be appointed by and shall hold his office during the pleasure of the Treasury.

Chief and assistant registrars to hold office during pleasure. Qualification of chief and assistant registrars.

(3.) Every chief registrar shall be a barrister of not less than twelve years standing, and one at least of the assistant registrars for England, and every assistant registrar for Ireland shall be a barrister or solicitor of not less than seven years standing, and every assistant registrar for Scotland an advocate, writer to the signet, or solicitor of not less than seven years standing. The central office may also, with the approval of the Treasury, have attached to it such assistants skilled in the business of an actuary and an accountant as shall from time to time be required for discharging the duties imposed on the office by this Act.

(4.) The central office shall exercise all the functions and powers in respect of loan societies, building societies, and societies instituted for purposes of science, literature, or the fine arts, which are now by law vested in the registrar of friendly societies or the registrar of building societies for England, or in the barrister appointed to certify the rules of savings banks or friendly societies, and shall be entitled to receive all fees payable to such registrar or barrister, and all provisions in such Acts relating to such registrar or barrister shall be construed as applying to the central office.

Central office to exercise functions of registrar of friendly or building societies for England, and barrister to certify savings banks.

(5.) The central office shall, with the approval of the Treasury, from time to time—

Other functions of central office: preparation of model forms; circulation of information.

(a.) Prepare and cause to be circulated, for the use of societies, model forms of accounts, balance sheets, and valuations;

(b.) Collect from the returns under this Act and from other sources, and publish and circulate, either generally or in any particular district, or otherwise make known such information on the subject of the statistics of life and sickness, and the application thereof to the business of friendly societies, and such other information useful to the members of or to persons interested in friendly or other societies registered or which might be registered under this Act, as the chief registrar shall from time to time think fit.

(c.) Cause to be constructed and published tables for the payment of sums of money on death, in sickness, or old age, or on any other contingency forming the subject of an assurance authorised under this Act which may appear to be

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calculable: Provided, nevertheless, that the adoption of such tables by any society shall be optional.

Chief registrar to report yearly to Parliament.

(6.) The chief registrar shall every year lay before Parliament a report of his proceedings and of those of the assistant registrars, and of the principal matters transacted by him and them during the year preceding.

Functions of assistant registrars generally.

(7.) For the purposes of this Act the assistant registrars shall be subordinate to the chief registrar. They shall, within the countries for which they are respectively appointed, exercise all functions and powers by this Act given to the registrar, and may also, by the written authority of the chief registrar, exercise such of the functions and powers by this Act given to the chief registrar as he shall from time to time delegate to them.

Functions of assistant registrars for Scotland and Ireland.

(8.) Subject to any regulations to be made under this Act, the assistant registrars for Scotland and Ireland respectively shall— 15

(a.) Exercise all the functions and powers now vested in the registrars of friendly or building societies for Scotland and Ireland respectively, or as respects building societies and societies instituted for purposes of science, literature, or the fine arts, vested in Scotland in the Lord Advocate or his depute appointed to certify the rules of friendly societies there, or in Ireland in the barrister appointed to certify the rules of friendly societies there, and shall be entitled to receive all fees payable to such registrar, Lord Advocate, or his depute or barrister respectively, and so that all provisions in any Acts of Parliament not hereby repealed relating to such registrar, Lord Advocate, or his depute or barrister respectively, shall be construed as applying to the assistant registrar respectively. 25

(b.) Send to the central office copies of all such documents registered or recorded by them as the chief registrar shall from time to time direct: 30

(c.) Record all such documents and matters as shall be sent to them for record from the central office, and such other documents and matters as herein provided: 35

(d.) Circulate and publish, or transmit to or from societies registered within their respective countries, from or to the central office, such information and documents relating to the purposes of this Act as the chief registrar, with the approval of the Treasury, shall from time to time direct: 40

(e.) Report from time to time their proceedings to the chief registrar as he shall direct.

(9.) No assistant registrar for Scotland or Ireland shall refuse to record any rules or amendments of rules which have been registered by the central office. A.D. 1875.

11. With respect to the registry of societies, the following provisions shall have effect :—

(1.) No society can be registered under this Act which does not consist of seven persons at least.

(2.) For the purpose of registry an application to register the society, signed by seven members and the secretary, and written or printed copies of the rules, together with a list of the names of the secretary and of every trustee or other officer authorised to sue and be sued on behalf of the society, shall be sent to the registrar.

(3.) No society shall be registered under a name identical with that under which any other existing society is registered, or so nearly resembling such name as to be likely, or in any name likely, in the opinion of the registrar, to deceive the members or the public, and no society shall change its name without sanction of the registrar.

(4.) A society (other than a benevolent society or working men's club) shall not be disentitled to registry by reason of any rule for or practice of dividing any part of the funds thereof.

(5.) No society assuring to any member a certain annuity shall be entitled to registry, unless the tables of contributions for such assurance, certified by the actuary to the Commissioners for the Reduction of the National Debt, or by some actuary approved by the Treasury, who has exercised the profession of actuary for at least five years, be sent to the registrar with the application for registry.

(6.) Societies carrying or intending to carry on business in more than one country shall be registered in the country in which their registered office, as herein mentioned, is situate; but copies of the rules of such societies, and of all amendments of the same, shall, when registered, be sent to the registrar of each of the other countries, to be recorded by him; and until such rules be so recorded the society shall not be entitled to any of the privileges of this Act in the country in which such rules have not been recorded, and until such amendments of rules be recorded the same shall not take effect in such country.

(7.) The registrar, on being satisfied that a society has complied with the provisions as to registry in force under this Act, shall issue to such society an acknowledgment of registry, which shall specify the designation of the society, according to the classification herein set forth.

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Appeals
from refusal
to register.

(8.) If any registrar refuse to register the society or any rules, the society may appeal from such refusal, as follows :

- (a.) If the registrar for Ireland refuse to register, to the Court of Queen's Bench at Dublin :
- (b.) If the registrar for Scotland refuse to register, to the Court of Session :
- (c.) If the central office or the chief registrar refuse to register, to the Court of Queen's Bench in England :
- (d.) Either division of the Inner House of the Court of Session, the Court of Queen's Bench at Dublin, and the Judges of the Court of Queen's Bench in England respectively, may make rules or orders as to the form of appeals and the trying thereof and otherwise relating thereto.

If refusal
overruled,
acknowledgment
of registry to
be given.
Effect of
acknowledgment
of registry.

(9.) If the refusal of registry be overruled on appeal, an acknowledgment of registry shall thereupon be given to the society by the registrar.

(10.) The acknowledgment of registry shall be conclusive evidence that the society therein mentioned is duly registered, unless it be proved that the registry of the society has been suspended or cancelled.

20

Cancelling
and suspension
of registry.

12. With respect to the cancelling or suspension of registry the following provisions shall have effect :

(1.) The chief registrar may cancel the registry of a society by writing under his hand,—

Cancelling.

- (a.) If he thinks fit, at the request of a society, to be evidenced in such manner as he shall from time to time direct :
- (b.) With the approval of the Treasury, on proof to his satisfaction that an acknowledgment of registry has been obtained by fraud or mistake, or that a society exists for an illegal purpose, or has wilfully and after notice from a registrar whom it may concern violated any of the provisions of this Act, or has ceased to exist.

Suspension.

(2.) The chief registrar, in any case in which he might, with the approval of the Treasury, cancel the registry of a society, may suspend the same, by writing under his hand, for any term not exceeding three months, and may, with the approval of the Treasury, renew such suspension from time to time for the like period.

Notice of
cancelling or
suspension.

(3.) Not less than two months previous notice in writing, specifying briefly the ground of any proposed cancelling or suspension of registry, shall be given by the central office to a society before the registry of the same can be cancelled (except at its request) or suspended ; and notice of every cancelling or suspension shall be

published in the Gazette, and in some newspaper circulating in the county in which the registered office of the society is situated, as soon as practicable after the same takes place. A.D. 1875.

(4.) A society may appeal from the cancelling of its registry, or from any suspension of the same which is renewed after six months, in manner herein provided for appeals from the chief registrar's refusal to register. Appeal from cancelling or suspension.

(5.) A society whose registry has been suspended or cancelled shall from the time of such suspension or cancelling (but if suspended, only whilst such suspension lasts, and subject also to the right of appeal hereby given) absolutely cease to enjoy as such the privileges of a registered society, but without prejudice to any liability actually incurred by such society, which may be enforced against the same as if such suspension or cancelling had not taken place. Effect of cancelling or suspension.

13. With respect to the rules of societies the following provisions shall have effect: Rules and amendments.

(1.) The rules of every society sent for registry shall, according to the class in which the society is to be registered, contain provisions in respect of the several matters mentioned in the second schedule to this Act. Provisions to be contained in rules.

(2.) No amendment of a rule made by a registered society shall be valid until the same has been registered under this Act, for which purpose copies of the same, signed by three members and the secretary, shall be sent to the registrar. Amendments to be registered.

(3.) The provision herein contained as to appeals from a refusal of registry shall apply to amendments of rules. Provision applicable to amendments.

(4.) The registrar shall, on being satisfied that any amendment of a rule is not contrary to the provisions of this Act, issue to the society an acknowledgment of registry of the same, which shall be conclusive evidence that the same is duly registered. Acknowledgment of registry of amendments.

(5.) A copy of the rules of a registered society shall be delivered by the society to every person on demand, on payment of a sum not exceeding one shilling. Copies of rules to be delivered on demand.

(6.) If any person, with intent to mislead or defraud, gives to any other person a copy of any rules, laws, regulations, or other documents, other than the rules for the time being registered under this Act, on the pretence that the same are existing rules of a registered society, or that there are no other rules of such society, or gives to any person a copy of any rules on the pretence that such rules are the rules of a registered society when the society is not registered, the person so offending shall be deemed guilty of a misdemeanor. Delivery of untrue rules.

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Duties and
obligations
of societies.
Registered
office.

14. With respect to the duties and obligations of registered societies the following provisions shall have effect :

(1.) Every registered society shall—

(a.) Have a registered office to which all communications and notices may be addressed, and send to the registrar 5 notice of the situation of such office, and of every change therein :

Appointment
of trustees.

(b.) From time to time at some meeting of the society, and by a resolution of a majority of the members present and entitled to vote thereat, appoint one or more trustees of 10 the society, and send to the registrar a copy of every resolution appointing a trustee, signed by the trustee so appointed, and by the secretary of the society :

Audit.

(c.) Once at least in every year submit its accounts for audit either to one of the public auditors appointed as herein 15 mentioned, or to two or more persons appointed as the rules of the society provide, and whose names and addresses shall be sent up to the registrar and published by a notice put up in the lodge room or board room of the society, if any, three months before the period of audit, 20 which auditors shall have access to all the books and accounts of the society, and shall examine the general statement of the receipts and expenditure, funds and effects of the society, and verify the same with the accounts and vouchers relating thereto, and shall either sign the same as 25 found by them to be correct, duly vouched, and in accordance with law or specially report to the society in what respects they find it incorrect or unvouched :

Annual
returns.

(d.) Once in every year before the first day of June send to the registrar a general statement (to be called 30 the annual return) of the receipts and expenditure, funds and effects of the society, which shall show separately the expenditure in respect of the several objects of the society, and shall be made out to the 31st December then last inclusively, and shall be duly audited : 35

Quinquen-
nial returns.

(e.) Within six months after the thirty-first day of December one thousand eight hundred and seventy-five, and so again within six months after the expiration of every five years succeeding, send to the registrar a return (to be called the quinquennial return) of the sickness and mor- 40 tality experienced by the society during the five years preceding the 31st December then last past; an abstract of which returns shall be laid before Parliament: Pro-

vided, that in those cases where societies send to the registrar, with the annual returns of receipts and expenditure, returns of sickness and mortality experienced by the society during the year, quinquennial returns as provided by this section shall not be compulsory. A.D. 1875.

- 5 (f.) Once at least in the five years next after the commencement of this Act, or the registry of the society, and so again within six months after the expiration of every five years succeeding the date of the first valuation under this Act, either cause its assets and liabilities to be valued by a valuer to be appointed by the society, and send to the registrar a report, signed by such valuer, and which shall also state his address and calling or profession, on the condition of the society, and an abstract to be made by him of the results of his valuation, or send to the registrar a return of the benefits assured and contributions receivable from all the members of the society, and of all its funds and effects, debts and credits, accompanied by such evidence in support thereof as the chief registrar prescribes, in which case the registrar shall cause the assets and liabilities of the society to be valued and reported on by some actuary, and shall send to the society a copy of his report, and an abstract of the results of his valuation :

- 25 (g.) Allow any member or person having an interest in the funds of the society to inspect the books at all reasonable hours at the registered office of the society, or at any place where the same are kept : Inspection of books.

- (h.) Supply gratuitously every member or person interested in the funds of the society, on his application, with a copy of the last annual return of the society for the time being. Supplying copies of annual returns.

- (i.) Keep a copy of the last annual balance sheet for the time being, and of the last quinquennial valuation for the time being, always hung up in a conspicuous place at the registered office of the society.

35 (2.) No society shall pay any sum of money upon the death of a member or other person whose death is entered in any register of deaths, except upon the production of a certificate of such death, under the hand of the registrar of deaths, or other person having the care of the register of deaths in which such death is entered. Offences.

40 (3.) It shall be an offence under this Act if any registered society—

- (a.) Fails to give any notice, send any return or document, or do or allow to be done any act or thing which the

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society is by this Act required to do or allow to be done :

(b.) Wilfully neglects or refuses to do any act or to furnish any information required for the purposes of this Act by the chief or any other registrar or other person authorised under this Act, or does any act or thing forbidden by this Act :

(c.) Makes a return or wilfully furnishes information in any respect false or insufficient.

Offences by societies to be also offences by officers, &c.

(4.) Every offence by a society under this Act shall be deemed to have been also committed by every officer of the same bound by the rules thereof to fulfil the duty whereof such offence is a breach, or if there be no such officer, then by every member of the committee of management of the same, unless such member be proved to have been ignorant of or to have attempted to prevent the commission of such offence; and every default under this Act constituting an offence, if continued, constitutes a new offence in every week during which the same continues.

Returns to be in prescribed form.

(5.) Every annual, quinquennial, or other return, abstract of valuation, and other document required for the purposes of this Act shall be made in such form and shall contain such particulars as the chief registrar prescribes.

Recording of documents.

(6.) All documents by this section required to be sent to the registrar shall be deposited with the rules of the societies to which the same respectively relate, and shall be registered or recorded by the registrar, with such observations thereon, if any, as the chief registrar shall direct :

In what cases quinquennial returns, &c. may be dispensed with.

Provided that the chief registrar, with the approval of the Treasury, may dispense with the quinquennial return and with the valuation herein required in respect of societies to whose purposes or to the nature of whose operations he may deem the same inapplicable; and may also dispense with the quinquennial return in cases where, at the request of a society, he may, by inspection of the books thereof through any person whom he appoints, obtain such information as he deems sufficient of the sickness and mortality experienced by the society; and the provisions herein contained in respect of the quinquennial return and valuation shall not apply to benevolent societies, working men's clubs, or cattle insurance societies, nor to specially authorised societies, unless it be so directed in the authority for registering the same.

Privileges of societies. Corresponding Societies Acts, &c.

15. Registered societies shall be entitled to the following privileges:

(1.) No society or meeting of a society shall be affected by any of the provisions of the Acts of the thirty-ninth George the Third,

chapter seventy-nine, the fifty-seventh George the Third, chapter nineteen, if in such society or at such meeting no business is transacted other than that which directly and immediately relates to the objects of the society as declared in the registered rules thereof, but such

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—
not to affect
registered
societies.

5 society and all officers of the same shall, on request in writing by two justices of the peace, give full information to such justices of the nature, objects, proceedings, and practices of the society, in default whereof the provisions of the Acts in this section referred to shall, so far as applicable, be in force in respect of such society.

10 (2.) Stamp duty shall not be chargeable upon any of the following documents:

Exemption from stamp duty.

(a.) Power, warrant, or letter of attorney, granted by any person as trustee for the transfer of any money of the society invested in his name in the public funds:

15 (b.) Order or receipt for money contributed to or received from the funds of the society by virtue of its rules or of this Act:

(c.) Bond given to or on account of the society, or by the treasurer or other officer thereof:

20 (d.) Draft or order, or form of policy, or appointment or revocation of appointment of agent, or other document required or authorised by this Act, or by the rules of the society.

(3.) A member of a society (other than a benevolent society or working men's club) not being under the age of sixteen years, may, by writing under his hand delivered at or sent to the registered office of the society, nominate any person, not being an officer or servant of the society, to whom any moneys payable by the society on the death of such member, not exceeding fifty pounds, shall be paid at his decease, and may from time to time revoke or vary such nomination by a writing under his hand similarly delivered or sent; and on receiving satisfactory proof of the death of a nominator, the society shall pay to the nominee the amount due to the deceased member, not exceeding the sum aforesaid.

Power of nomination for sums not exceeding fifty pounds.

(4.) If any member of a society, entitled from the funds thereof to a sum not exceeding fifty pounds, dies intestate and without having made any nomination under this Act which remains unrevoked at his death, such sum shall be payable, without letters of administration, to the person who appears to a majority of the trustees, upon such evidence as they may deem satisfactory, to be entitled by law to receive the same.

Distribution of sums not exceeding fifty pounds.

40 (5.) Whenever the society, after the decease of any member, pay any sum of money to the person who at the time appears to the trustees to be entitled under this section, the payment is valid

Payments to persons apparently entitled valid.

A.D. 1875. and effectual against any demand made upon the trustees or the society by any other person.

When trustees are absent, &c., Registrar may order stock to be transferred.

(6.) When any person, being or having been a trustee of a society, and whether appointed before or after the legal establishment thereof, in whose name any stock belonging to such society transferable at the Bank of England or Bank of Ireland is standing, either jointly with another or others, or solely, is absent from England or Ireland respectively, or becomes bankrupt, or files any petition or executes any deed for liquidation of his affairs by assignment or arrangement, or for composition with his creditors, or becomes a lunatic, or is dead, or if it be unknown whether such person is living or dead, the chief registrar, on application in writing from the secretary and three members of the society, and on proof satisfactory to him, may direct the transfer of the stock into the names of any other persons as trustees for the society; and such transfer shall be made by the surviving or continuing trustees, and if there be no such trustee, or if such trustees refuse or be unable to make such transfer, and the chief registrar so direct, then by the Accountant General or Deputy or Assistant Accountant General of the Bank of England or Bank of Ireland, as the case may be; and the Governors and Companies of the Bank of England and Bank of Ireland respectively are hereby indemnified for anything done by them or any of their officers in pursuance of this provision against any claim or demand of any person injuriously affected thereby.

Priority on death of officer.

(7.) Upon the death, or bankruptcy, or insolvency of any officer of a society having in his possession by virtue of his office any money or property belonging to the society, his heirs, executors, or administrators shall, upon demand in writing of the trustees of the society, or any two of them, or any person authorised by the society, or by the committee of management of the same, to make such demand, pay such money and deliver over such property to the trustees of the society in preference to any other debts or claims against the estate of the deceased.

Membership of minors.

(8.) A person under the age of twenty-one but above the age of sixteen may be a member of a society, unless provision be made in the rules thereof to the contrary, and may, subject to the rules of the society, enjoy all the rights of a member (except as herein provided), and execute all instruments and give all acquittances necessary to be executed or given under the rules, but shall not be a member of the committee of management, trustee, manager, or treasurer of the society.

Provided as follows :

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- (a.) Societies and branches, consisting wholly of members of any age under sixteen years, but exceeding three years, may be allowed to register under this Act, subject to such regulations as may be made in that behalf :
- (b.) No rule or practice in force at the commencement of this Act for the admission of members under sixteen years of age shall be deemed contrary to any express provision of this Act as respects any society already registered.
- (9.) For the purpose of this Act a certificate of the birth or death of any member of or person insured or to be insured with a registered friendly society shall be given under his hand by the registrar of births or deaths, or other person having the care of the register of births or deaths, in which such birth or death is entered, for a sum not exceeding one shilling, in place of all fees or payments in respect of the same, on application being made for the same in such form and under such regulations as shall be approved of by the registrar general of births, deaths, and marriages for England, Scotland, and Ireland respectively.
- (10.) A society may subscribe out of its funds to any hospital, infirmary, charitable or provident institution, any annual or other sum which may be necessary to secure to members of the society and their families the benefits of such hospital, infirmary, or other institution, according to its rules.
- 16.** With respect to the property and funds of registered societies, the following provisions shall have effect :
- (1.) The trustees, with the consent of the committee of management or of a majority of the members of a society present and entitled to vote in general meeting, or where the society is managed by delegates a majority of the delegates present at a delegate meeting, may from time to time invest the funds of such society, or any part thereof, to any amount in any of the following ways :
- (a.) In the Post Office Savings Bank, or in any Savings Bank certified under the Act of 1863 :
- (b.) In the public funds :
- (c.) With the Commissioners for the Reduction of the National Debt as herein-after provided :
- (d.) In the purchase of land, or in the erection or alteration of offices or other buildings thereon :
- (e.) Upon any other security expressly directed by the rules of the society, not being personal security, except as herein-after authorised with respect to loans.

Limitation of cost of certificates of birth or death.

Society may subscribe to hospitals.

Property and funds of societies.

Investment of funds.

A.D. 1875.

Holding of
land.

(2.) A society, or any branch of a society, may (if the rules thereof so provide) hold, purchase, or take on lease in the names of the trustees for the time being of such society or branch, in every county where it has an office, any land, and may sell, exchange, mortgage, lease, or build upon the same (with power to 5 alter and pull down buildings and again rebuild), and no purchaser, assignee, mortgagee, or tenant shall be bound to inquire as to the authority for any sale, exchange, mortgage, or lease by the trustees, and the receipt of the trustees shall be a discharge for all moneys arising from or in connexion with such sale, exchange, mortgage, 10 or lease; and for the purpose of this section no branch of a registered society need be separately registered.

Property of
society, how
vested.

(4.) All property belonging to a society, whether acquired before or after the same is registered, shall vest in the trustees for the time being of the society, for the use and benefit of the 15 society and the members thereof, and of all persons claiming through the members according to the rules of the society; and the property of any branch of a society shall vest in the trustees of such branch, or in the trustees of the society if the rules of the society so provide, for the use and benefit either of 20 the members of such branch and persons claiming through such members, or of the members of the society generally, and persons claiming through them, according to the rules of the society.

Devolution
on death, &c.

(5.) Upon the death, resignation, or removal of a trustee, whether of a society or branch, the property vested in such trustee 25 vests in the succeeding trustees of such society or branch either solely or together with any surviving or continuing trustees, and until the appointment of succeeding trustees in such surviving or continuing trustees only, or in the executors or administrators of the last surviving or continuing trustee, as personal estate (whether 30 the same be real or personal), subject to the same trusts, without conveyance or assignment, except that stocks and securities in the public funds of Great Britain and Ireland shall be transferred into the names of the succeeding trustees, either solely or jointly with any surviving or continuing trustees. 35

(6.) In all legal proceedings whatsoever concerning any such property the same shall be stated to be the property of the trustees for the time being in their proper names as trustees for the society or branch (as the case may be) without further description.

As to copy-
holds.

(7.) Where a society is entitled in equity to any hereditaments 40 of copyhold or customary tenure, either absolutely or by way of mortgage or security, the lord of the manor of which the same are held shall from time to time, if the society so require, admit the

trustees (not to exceed three) of such society as tenants in respect of such hereditaments, on payment of the usual fines, fees, and other dues payable on the admission of a single tenant. A.D. 1875.

(8.) A receipt under the hands of the trustees, countersigned by the secretary, in the form contained in the third schedule to this Act, or in any form specified by the rules of the society or any schedule thereto, for all moneys secured to the society by any mortgage or other assurance, such receipt being endorsed upon or annexed to such mortgage or other assurance, vacates the same, and vests the property therein comprised in the person entitled to the equity of redemption of the same, without reconveyance or resur-render; but this provision does not apply to Scotland or to the Island of Jersey.

Discharge of mortgages by receipt endorsed.

(9.) If such mortgage or other assurance has been registered under any Act for the registration or record of deeds or titles, or is of copyholds or lands of customary tenure and entered on any court rolls, the registrar under such Act, or recording officer, or steward of the manor, or keeper of the register, shall on production of such receipt, verified by oath of any person, enter satisfaction on the register or on the court rolls respectively of such mortgage or of the charge made by such assurance, and shall grant a certificate, either upon such mortgage or assurance, or separately to the like effect, which certificate shall be received in evidence in all courts and proceedings without further proof, and such registrar, recording officer, steward, or keeper of the register is entitled to a fee of two shillings and six pence for making the said entry and granting the said certificate, and such fee shall in Ireland be paid by stamps, and applied as the other fees of the Registry of Deeds Office and Record of Title Office are by law directed to be paid and applied.

Registration of receipt.

(10.) If any person obtains possession by false representation or imposition of any property of a society, or having the same in his possession withholds or misapplies the same, or wilfully applies any part thereof to purposes other than those expressed or directed in the rules of the society and authorised by this Act, he shall, on the complaint of the society, or of any member authorised by the society, or the trustees or committee of management of the same, or by the central office, or of the chief registrar or any assistant registrar by his authority, be liable on summary conviction to a penalty not exceeding twenty pounds with costs not exceeding twenty shillings, and to be ordered to deliver up all such property, or to repay all moneys applied improperly, and in default of such delivery or repayment, or of the payment

Punishment of fraud or misappropriation.

A.D. 1875. — of such penalty and costs aforesaid, to be imprisoned, with or without hard labour, for any time not exceeding three months; but nothing herein contained prevents any such person from being proceeded against by way of indictment, if not previously convicted of the same offence under the provisions of this Act. 5

Trustees
not to be
personally
liable.

(11.) Trustees of a society are not liable to make good any deficiency in the funds of such society, but are liable only for moneys actually received by them respectively on account of such society.

Investments
with National
Debt Com-
missioners.

17. With respect to the investment of funds with the Commis- 10
sioners for the Reduction of the National Debt, the following
provisions shall have effect :

1. The society may pay to the account of the Commissioners at the Bank of England or Ireland any sum of money not less than fifty pounds upon a declaration of the trustees of 15 the society, or any two of them, that such moneys belong exclusively to the society :
2. The cashier of the bank shall receive all such moneys and place the same to the account of the Commissioners in the book of the bank named "the fund for friendly societies :". 20
3. All moneys paid in upon a false declaration shall be forfeited to the Commissioners, and applied by them in the manner directed by the twenty-sixth and twenty-seventh Victoria, chapter eighty-seven, section thirty-eight :
4. The provisions of the twenty-sixth and twenty-seventh Victoria, 25 chapter eighty-seven, sections twenty-one (except so far as the same may be repealed by any Act to be passed in this session of Parliament), twenty-two, twenty-four, twenty-five, twenty-six, twenty-seven, and twenty-eight, as to the regulation of receipts, certificates, and orders, shall apply to 30 moneys paid under this section :
5. The society shall be entitled to a receipt bearing interest at the rate of twopence per centum per diem :
6. Provided that a friendly society legally established before the twenty-eighth day of July one thousand eight hundred 35 and twenty-eight, which has invested any part of its funds with the Commissioners before the twenty-third day of July one thousand eight hundred and fifty-five, shall be entitled for any further investment made on account of any assurance made before the fifteenth day of August one thousand eight 40 hundred and fifty, to a receipt bearing interest at the rate of threepence per centum per diem :

A.D. 1875.

7. And provided that a friendly society legally established between the twenty-eighth day of July one thousand eight hundred and twenty-eight, and the fifteenth day of August one thousand eight hundred and fifty, which has invested any part of its funds with the Commissioners before the twenty-third day of July one thousand eight hundred and fifty-five, shall be entitled for any further investment made on account of any assurance made before the fifteenth day of August one thousand eight hundred and fifty, to a receipt bearing interest at the rate of twopence halfpenny per centum per diem :
8. A society withdrawing money invested with the Commissioners shall not be entitled to make any further deposit without their consent :
9. Every society investing money with the Commissioners shall furnish from time to time such returns as may be required by the Commissioners, in respect of the funds deposited with them, and the assurances to which such funds relate :
10. A society having funds invested with the Commissioners at the rates of threepence or twopence halfpenny per centum per diem, shall retain at such rates so much only of its funds as arises from assurances made before the fifteenth day of August one thousand eight hundred and fifty, after deducting all benefit payments and management expenses incurred on account of such assurances ; and whenever the society fails to satisfy the Commissioners of its title to retain at either such rate the whole or any part of its funds, the Commissioners shall require the withdrawal of such funds or the transfer of the same to the rate of twopence per centum per diem, and, in default of withdrawal within thirty days, shall transfer the same in their books accordingly, and shall notify such transfer to the society :
11. Whenever it shall appear to the Commissioners that all the members of a society assured before the fifteenth day of August one thousand eight hundred and fifty have died or ceased to be members, the Commissioners shall forthwith transfer in their books to the rate of twopence per centum per diem all funds of the society remaining invested at any higher rate, and shall notify the same to the society.

18. With respect to loans to members of registered societies, the following provisions shall have effect :

Loans to
members.

(1.) Not more than one half of the amount of an assurance on the life of a member of at least one full year's standing may be

A.D. 1875. — advanced to him, on the written security of himself and two satisfactory sureties for repayment; and the amount advanced, with all interest thereon, may be deducted from the sum assured, without prejudice in the meantime to the operation of such security.

Loans may
be made
out of
separate
loan fund.

(2.) A society may, out of any separate loan fund to be formed by contributions or deposits of its members, make loans to its members on their personal security, with or without sureties, as may be provided by the rules, subject to the following restrictions :

- (a.) No loan can at any time be made out of moneys contributed for the other purposes of the society : 10
- (b.) No member shall be capable of holding any interest in the loan fund exceeding two hundred pounds :
- (c.) No society shall make any loan to a member on personal security beyond the amount fixed by the rules, or shall make any loan which, together with any moneys for the 15 time being owing by a member to the society, shall exceed fifty pounds :
- (d.) No society shall hold at any one time on deposit from its members any moneys beyond the amount fixed by the rules, which shall not exceed two thirds of the total sums 20 for the time being owing to the society by the members who have borrowed from the loan fund.

Accumulat-
ing surplus
of contribu-
tions for
member's
use.

19. The rules of a society may provide for accumulating at interest, for the use of any member of the same, any surplus of his contributions to the funds of the society which may remain after 25 providing for any assurance in respect of which the same are paid, and for the withdrawal of such accumulations from time to time.

Officers in
receipt or
charge of
money.
Security to
be given.

20. With respect to officers of registered societies having receipt or charge of money, the following provisions shall have effect :—

(1.) Every officer, if the rules of the society require, shall, before 30 taking upon himself the execution of his office, become bound with one sufficient surety at the least in a bond according to one of the forms set forth in the third schedule to this Act, or give the security of a guarantee society, in such sum as the society directs, conditioned for his rendering a just and true account of all moneys 35 received and paid by him on account of the society at such times as its rules appoint, or as the society or the trustees or committee of management thereof require him to do so, and for the payment by him of all sums due from him to the society.

Accounts of
officers.

(2.) Every officer, his executors or administrators, shall, at 40 such times as by the rules of the society he should render account, or upon demand made, or notice in writing given or left at his last

or usual place of residence, give in his account as may be required by the society, or by the trustees or committee of management of the society, to be examined and allowed or disallowed by them, and shall, on the like demand or notice, pay over all moneys and deliver
 5 all property for the time being in his hands or custody to such person as the society, or the committee of management, or the trustees appoint; and in case of any neglect or refusal to deliver such account, or to pay over such moneys or to deliver such property in manner aforesaid, the trustees or authorised officers of the society
 10 may sue upon the bond or security before mentioned, or may apply to the county court (which may proceed in a summary way), or to a court of summary jurisdiction, and the order of either such court shall be final and conclusive.

21. With respect to legal proceedings against registered societies, the following provisions shall have effect: Legal proceedings.

(1.) The trustees of any society or branch, or any other officers authorised by the rules thereof, may bring or defend, or cause to be brought or defended, any action, suit, or other legal proceeding in any court whatsoever, touching or concerning any property,
 20 right, or claim of the society or branch, as the case may be, and shall sue and be sued, implead and be impleaded, in their proper names, without other description than the title of their office.

(2.) In legal proceedings which may be brought under this Act by a member or person claiming through a member, the society may
 25 also be sued in the name, as defendant, of any officer or person who receives contributions or issues policies on behalf of the society within the jurisdiction of the court in which the legal proceeding is brought, with the addition of the words "on behalf of the society" (naming the same).

30 (3.) No legal proceeding shall abate or be discontinued by the death, resignation, or removal from office of any officer, or by any act of such officer after the commencement of the proceedings.

(4.) The summons, writ, process or other proceeding to be issued to or against the officer or other person sued on behalf of a
 35 society shall be sufficiently served by leaving a true copy thereof at the registered office of the society, or at any place of business of the society within the jurisdiction of the court in which the proceeding is brought, or, if such office or place of business be closed, by posting such copy on the outer door of the same: but in all cases
 40 where the said summons, writ, process, or other proceeding shall not be served by leaving a true copy thereof at the registered office of the society, a copy thereof shall be transmitted by post addressed to

A.D. 1875. the committee of management at the registered office of the society, and the same shall be enclosed in a registered letter delivered at the said office at least four days before any further step shall be taken on such summons, writ, process, or other proceeding.

Disputes.

22. Every dispute between a member or person claiming through a member or under the rules of a registered society, and the society or an officer thereof, shall be decided in manner directed by the rules of the society, and the decision so made shall be binding and conclusive on all parties without appeal, and shall not be removable into any court of law or restrainable by injunction; and application for the enforcement thereof may be made to the county court.

Provided as follows:—

- (a.) The parties to a dispute in a society may, by consent (unless the rules of such society expressly forbid it), refer such dispute to the chief registrar, or to the assistant-registrar in Ireland or Scotland, who shall, with the consent of the Treasury, either by himself or by any other registrar, hear and determine such dispute, and shall have power to order the expenses of determining the same to be paid either out of the funds of the society or by such parties to the dispute as he shall think fit, and such determination and order shall have the same effect and be enforceable in like manner as a decision made in the manner directed by the rules of the society:
- (b.) The chief or other registrar to whom any dispute is referred may administer oaths, and may require the attendance of all parties concerned, and of witnesses, and the production of all books and documents relating to the matter in question; and any person refusing to attend, or to produce any documents, or to give evidence before such chief or other registrar, shall be guilty of an offence under this Act:
- (c.) Where the rules of a society direct that disputes shall be referred to justices, the dispute shall be determined by a court of summary jurisdiction:

Provided that in every case of dispute cognisable under the rules of a society by a court of summary jurisdiction, it shall be lawful for the parties thereto to enter into a consent referring such dispute to the County Court, which may hear and determine the matter in dispute.

- (d.) Where the rules contain no direction as to disputes, or where no decision is made on a dispute within forty

days after application to the society for a reference under its rules, the member or person aggrieved may apply either to the county court, or to a court of summary jurisdiction, which may hear and determine the matter in dispute : A.D. 1875.

(e.) The court, chief or other registrar, or other person empowered to decide a dispute may, at the request of either party, state a case for the opinion in England of the Supreme Court of Judicature, in Scotland of either division of the Inner House of the High Court of Session, or in Ireland of one of the superior courts of common law at Dublin, on any question of law, and may also grant to either party such discovery as to documents and otherwise, or such inspection of documents, and in Scotland may grant warrant for the recovery of documents and examination of havers, as might be granted by any court of law or equity, such discovery to be made on behalf of the society by such officer of the same as such court, registrar, or person may determine.

23. Upon the application of one fifth of the whole number of members of a registered society, or of one hundred members in the case of a society of one thousand members and not exceeding ten thousand, or of five hundred members in the case of a society of more than ten thousand members, the chief registrar, or the assistant registrar for Scotland or Ireland by his direction, but with the consent of the Treasury in every case, may— Special powers of registrars to be exercised on application from members.

(1.) Appoint one or more inspectors to examine into the affairs of such society, and to report thereon, who may require the production of all or any of the books and documents of the society, and may examine on oath its officers, members, agents, and servants in relation to its business, and may administer such oath accordingly : Inspectors.

(2.) Call a special meeting of the society in such manner and at such time and place as the chief registrar, or such assistant registrar by his authority, may direct, and may direct what matters shall be discussed and determined on at such meeting, which shall have all the powers of a meeting called according to the rules of the society, and shall in all cases have power to appoint its own chairman, any rule of the society to the contrary notwithstanding. Special meetings.

Provided that—

(a.) The application herein mentioned shall be supported by such evidence, for the purpose of showing that the applicants

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have good reason for requiring such inspection to be made or meeting to be called, and that they are not actuated by malicious motives in their application, and such notice thereof shall be given to the society, as the chief registrar shall direct :

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(b.) The chief registrar may, if he think fit, require the applicants to give security for the costs of the proposed inspection or meeting, before appointing any inspector or calling such meeting :

(c.) All expenses of and incidental to any such inspection or meeting shall be defrayed either by the members applying for the same, or out of the funds of the society, as the chief registrar shall direct :

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(d.) This section shall not apply to a society with branches, unless with the consent of the central body of such society.

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Special resolutions and proceedings which may be taken thereon.
Special resolutions.

24. With respect to special resolutions by registered societies, and to the proceedings which may be taken by virtue thereof, the following provisions shall have effect :

(1.) A special resolution is one which is passed by a majority of not less than three-fourths of such members of a society for the time being entitled under the rules to vote as may be present in person or by proxy (where the rules allow proxies) at any general meeting of which notice specifying the intention to propose such resolutions has been duly given according to the rules, and which resolution is confirmed by a majority of such members for the time being entitled under the rules to vote as may be present, in person or by proxy, at a subsequent general meeting of which notice has been duly given, held not less than fourteen days nor more than one month from the day of the meeting at which such resolution was first passed. At any meeting mentioned in this section a declaration by the chairman that the resolution has been carried shall be deemed conclusive evidence of the fact.

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Change of name.

(2.) A society may, by special resolution, with the approval in writing of the chief registrar, change its name; but no such change shall affect any right or obligation of the society, or of any member thereof, and any pending legal proceedings may be continued by or against the trustees of the society, or any other officer who may sue or be sued on behalf of such society, notwithstanding its new name.

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Amalgamation of societies.

(3.) Any two or more societies may, by special resolution of both or all such societies, become amalgamated together as one society, with or without any dissolution or division of the funds of such

societies or either of them; and any society may, by special resolution, transfer its engagements to any other registered society which may undertake to fulfil the engagements of such society. A.D. 1875.

(4.) A society may by special resolution determine to convert itself into a company under the Companies Acts, or to amalgamate with or transfer its engagements to any such company. Conversion of societies into companies, &c.

(5.) No amalgamation or transfer of engagements shall prejudice any right of a creditor of either or any society party thereto. Rights of creditors.

(6.) A copy of every special resolution for any of the purposes mentioned in this section, signed by the chairman of the meeting and countersigned by the secretary, shall be sent to the central office and registered there, and until such copy is so registered, such special resolution shall not take effect. Registration of special resolutions.

(7.) If a special resolution for converting a society into a company contains the particulars by the Companies Act, 1862, required to be contained in the memorandum of association of a company, and a copy thereof has been registered at the central office, a copy of such resolution under the seal or stamp of the central office shall have the same effect as a memorandum of association duly signed and attested under the said Act. Registration of copy of special resolution as memorandum of association.

(8.) If a society be registered as, or amalgamates with, or transfers all its engagements to a company, the registry of such society under this Act thereupon becomes void, and the same shall be cancelled by the chief registrar; but the registration of a society as a company shall not affect any right or claim for the time being subsisting against such society, or any penalty for the time being incurred by such society; and for the purpose of enforcing any such right, claim, or penalty, the society may be sued and proceeded against in the same manner as if it had not become registered as a company; and every such right or claim, or the liability to such penalty, has priority as against the property of such company, over all other rights or claims against or liabilities of such company. Registry of society under Act to become void on registration as a company, &c.

Provided as follows as respects friendly societies:

(a.) No special resolution by any society for any amalgamation or transfer of engagements under this section is valid unless five sixths in value (to be calculated as for dissolution) of the members assent thereto either at the meetings at which such resolution is passed and confirmed, or one of them, or in writing, if such members were not present thereat, nor without the written consent of every person for the time being receiving or entitled to any relief, annuity, or other Proviso as to friendly societies.

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benefit from the funds of the society, unless the claim of such person be first duly satisfied, or adequate provision be made for satisfying such claim :

(b.) The provisions herein-after contained in case of dissolution as to the punishment of officers and the remedy of members or persons dissatisfied with the provision made for satisfying their claims, shall apply to the case of amalgamation and transfer of engagements :

(c.) Upon application of the trustees or committee of management of a society desiring to amalgamate or transfer its engagements, notice of such application being published in the Gazette, the chief registrar, after hearing such trustees or committee of management and any other persons whom he considers entitled to be heard upon the application, may, with the consent of the Treasury, order that any of the consents and conditions prescribed in this Act, or in any regulations made under this Act, be dispensed with, and may confirm the amalgamation or transfer.

(d.) This section shall not apply to branches.

Dissolution
of societies.

25. With respect to the dissolution of registered societies, the following provisions shall have effect :

How societies
may be dis-
solved.

(1.) A society may terminate or be dissolved in any of the following ways :

(a.) Upon the happening of any event declared by the rules to be the termination of the society :

(b.) As respects all societies other than friendly societies, by the consent of three fourths of the members, testified by their signatures to the instrument of dissolution :

(c.) As respects friendly societies, by the consent of five sixths in value of the members (including honorary members, if any), testified by their signatures to the instrument of dissolution, and also by the written consent of every person for the time being receiving or entitled to receive any relief, annuity, or other benefit from the funds of the society, unless the claim of such person be first duly satisfied, or adequate provision made for satisfying such claim, and in the case of a branch society with the consent of the central body of the society, or in accordance with the general rules of the society :

(d.) By the award of the chief registrar in the cases herein specified.

(2.) The instrument of dissolution shall set forth—

(a.) The liabilities and assets of the society in detail :

(b.) The number of members and the nature of their interests in the society respectively :

5 (c.) The claims of creditors (if any), and the provision to be made for their payment :

(d.) The intended appropriation or division of the funds and property of the society unless the same be left to the award of the chief registrar.

Contents of instrument of dissolution.

10 (3.) Alterations in the instrument of dissolution may be made with the like consents as herein-before provided, testified in the same manner.

Alterations in instrument of dissolution.

(4.) A statutory declaration shall be made by one of the trustees, or by three members and the secretary of the society, that the

Statutory declaration.

15 provisions of this Act have been complied with, and shall be sent to the registrar with the instrument of dissolution ; and any person knowingly making a false or fraudulent declaration in the matter shall be guilty of a misdemeanor.

(5.) The instrument of dissolution and all alterations therein shall be registered in manner herein provided for the registry of rules, and shall be binding upon all the members of the society.

Registry of instrument of dissolution.

(6.) The registrar shall cause a notice of the dissolution to be advertised at the expense of the society in the manner provided by this Act for advertising an award of the registrar for dissolution ;

Notice of dissolution.

25 and unless within three months from the date of the Gazette in which such advertisement appears, a member or other person interested in or having any claim on the funds of the society commences proceedings to set aside the dissolution of the society, and such dissolution is set aside accordingly, the society shall be legally
30 dissolved from the date of such advertisement, and the requisite consents to the instrument of dissolution shall be considered to have been duly obtained without proof of the signatures thereto.

(7.) As respects friendly societies :

35 (a.) The value of members shall be ascertained by giving one vote to every member, and an additional vote for every five years that he has been a member, but to no one member more than five votes in the whole :

Special provisions as to friendly societies.

(b.) No instrument of dissolution shall direct or contain any provision for a division or appropriation of the funds of
40 the society, or any part thereof, otherwise than for the purpose of carrying into effect the objects of the society as declared in the rules thereof for the time being, unless

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the claim of every member or person claiming any relief, annuity, or other benefit from the funds thereof be first duly satisfied, or adequate provision be made for satisfying such claim :

- (c.) Any officer or person aiding or abetting in the dissolution of a society, otherwise than as in this Act provided, shall, on summary conviction, be liable to be committed to the common gaol or house of correction, there to be kept to hard labour for any term not exceeding three months :
- (d.) If any member of a dissolved society, or person claiming any relief, annuity, or other benefit from the funds thereof, be dissatisfied with the provision made for satisfying his claim, such member or other person may apply to the county court of the district within which the chief or any other place of business of the society is situate for relief or other order, and such court shall have the same powers in the matter as in regard to the settlement of disputes under this Act.

Dissolution
by award, &c.

- (8.) With respect to dissolutions and the distribution of funds upon the award of the chief registrar :

- (a.) Upon the application of one fifth of the whole number of members of any registered society, or of one hundred members in the case of a society of one thousand members and not exceeding ten thousand, or of five hundred members in the case of a society of more than ten thousand members, made in writing under their hands, setting forth that the funds of the society are insufficient to meet the existing claims thereon, or that the rates of contribution fixed in the rules of such society are insufficient to cover the benefits assured, and the grounds upon which such insufficiency is alleged, and requesting an investigation into the affairs of such society with a view to the dissolution thereof, the chief registrar may by himself, or by any assistant registrar, or by any actuary or public auditor whom the chief registrar may appoint in writing under his hand, investigate the affairs of the society, giving nevertheless not less than two months previous notice in writing to the society whose affairs are to be investigated at the registered office of such society :
- (b.) If upon such investigation it appears that the funds of the society are insufficient to meet the existing claims thereon, or that the rates of contribution fixed in the rules of the

society are insufficient to cover the benefits assured to be given by the same, the chief registrar may, if he considers it expedient so to do, award that the society shall be dissolved, and its affairs wound up, and shall direct in what manner the assets of the society shall be divided or appropriated: Provided always, that the chief registrar may suspend his award for such period as he may deem necessary to enable the society to make such alterations and adjustment of contributions and benefits as will in his judgment provide sufficient and equitable remedy in the premises, and prevent the necessity of such award of dissolution being made. A.D. 1875.

(c.) A registrar proceeding under this section has all the same powers and authorities, enforceable by the same penalties, as in the case of a dispute referred to him under this Act:

(d.) Every award under this section, whether for dissolution or distribution of funds, is final and conclusive on the society in respect of which the same is made, and on all members of the same, and other persons having any claim on the funds of the society, without appeal, and shall be enforced in the same manner as a decision on a dispute under this Act; and the expenses of every investigation and award, and of publishing every notice of dissolution, shall be paid out of the funds of the society before any other appropriation thereof shall be made:

(e.) Notice of every award for dissolution shall, within twenty-one days after the same shall have been made, be advertised by the central office in the Gazette, and in some newspaper circulating in the county in which the registered office of the society is situated, and unless, within three months from the date of the Gazette in which such advertisement appears, a member or other person interested in or having any claim on the funds of the society commences proceedings to set aside the dissolution of the society, consequent upon such award, and such dissolution is set aside accordingly, the society shall be legally dissolved from the date of such advertisement, and the requisite consents to the application to the registrar shall be considered to have been duly obtained without proof of the signatures thereto.

(9.) The provisions of the present section shall not apply to any society having branches without the consent of the central body of such society. Consent of
central body.

A.D. 1875.
Militiamen
and volun-
teers not to
lose benefits.

26. No person, by reason of his enrolment or service in the militia or as a naval coast volunteer, Royal Naval volunteer, naval artillery volunteer, or in any corps of yeomanry or volunteers whatsoever, shall lose or forfeit any interest he possesses at the time of his being so enrolled or serving in any friendly society, registered or unregistered, 5 any rules of such society to the contrary notwithstanding, and any dispute between any such society and such person by reason of such enrolment or service shall be decided by a court of summary jurisdiction under this Act; but if the rules of a society certified before the twenty-third day of July one thousand eight 10 hundred and fifty-five, and in force at the time of such enrolment or service, provide that a member shall be deprived of any benefit by reason of such enrolment or service, the society may require of such member a contribution exceeding the rate of contribution otherwise payable by him to an amount not exceeding one tenth 15 of such rate during the time such member shall be serving out of the United Kingdom, or may suspend all claim of such member to any benefits assured by the society, and all claim of the society to any contributions payable by such member, during the time only he may be serving out of the United Kingdom, but so that 20 if he return to the United Kingdom he shall forthwith be replaced on the same footing as before he went abroad on service.

Limitations
of benefits.

27. No member of a registered friendly society, nor any person claiming through a member, shall be entitled to receive more than two hundred pounds by way of gross sum, or (except 25 as provided by section six of this Act) thirty pounds a year by way of annuity, from any one or more such societies; and any such society may require a member, or person claiming through a member, to make and sign a statutory declaration that the total amount to which such member or person is entitled from one or 30 more such societies does not exceed the sums aforesaid; and any person knowingly making a false or fraudulent declaration in the matter shall be guilty of a misdemeanor.

Payments on
death of
children.
Limitation
of payments.

28. With respect to payments on the death of children under ten years of age, the following provisions shall have effect:— 35

(1.) No society shall insure or pay on the death of a child under five years of age any sum of money which, added to any amount payable on the death of such child by any other society, exceeds six pounds, or on the death of a child under ten years of age any sum of money which, added to any amount payable 40 on the death of such child by any other society, exceeds ten pounds.

Who may
receive pay-
ments.

(2.) No society shall pay any sum on the death of a child under ten years of age except to the parent of such child, or to the

personal representative of such parent, and upon the production by such parent or his personal representative of a certificate of death issued by the registrar of deaths, or other person having the care of the register of deaths, containing the particulars after mentioned. A.D. 1875.

5 (3.) Whenever a certificate of the death of a child is applied for for the purpose of obtaining a sum of money from a society, the name of such society and the sum sought to be obtained therefrom shall be stated to the registrar of deaths, who shall write on or at the foot of such certificate the words "to be produced to the
10 "society" (naming the same) "said to be liable for payment of the sum of . . . l." (stating the same), and all certificates of the same death shall be numbered in consecutive order.

Particulars
of certifi-
cates.

(4.) No registrar of deaths shall give any one or more certificates of death for the payment in the whole of any sum of money exceeding
15 six pounds on the death of a child under five years, or for the payment in the whole of a sum exceeding ten pounds on the death of a child under ten years; and no such certificate shall be granted unless the cause of death has been previously entered in the register of deaths on the certificate of a registered medical
20 practitioner who attended such deceased child during its last illness, or except upon the production of such medical certificate of the probable cause of death as the registrar of deaths shall deem sufficient.

Registrars
of deaths
only to give
certificates
in certain
cases.

(5.) Any society to which is produced a certificate of the death of
25 a child which does not purport to be the first shall, before paying any money thereon, be bound to inquire whether any and what sums of money have been paid on the same death by any other society.

Inquiry to
be made by
societies.

(6.) It shall be an offence under this Act—

30 (a.) If any society pays money on the death of a child under ten years of age otherwise than is provided by this Act;

Offences
under this
section.

(b.) If any parent or personal representative of a parent claiming money on the death of a child produces any certificate of such death other than is herein provided to the society or societies from which the money is
35 claimed, or produces a false certificate, or one fraudulently obtained, or in any way attempts to defeat the provisions of this Act with respect to payments upon the death of children.

(7.) The word "society" in the present section shall include all
40 industrial assurance companies assuring the payment of money on the death of children under the age of ten years.

Extent of
word
"society."

A.D. 1875.

Assurances
on children's
lives not to
be void
under
14 Geo. 3.
c. 48.

(8.) No assurance made or to be made by any industrial assurance company, not being a registered society, of a sum of money payable on the death of a child under the age of ten years, which would be valid if effected with a registered society, shall be invalidated by reason of any provision contained in the Act of the fourteenth year of His late Majesty King George the Third, chapter forty-eight, for regulating insurances upon lives and for prohibiting all such insurances except in cases where the person insuring shall have an interest in the life of the persons insured.

Insurable
interests.

(9.) Provided that nothing in this section contained shall apply to insurances on the lives of children of any age, where the person insuring has an interest in the life of the person insured, or to existing contracts.

Societies
with
branches.
How to be
registered.

29. The provisions of the present section apply only to societies having branches :

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(1.) The application for registry shall be accompanied with--

(a.) A list of every branch, and of the place wherein the same is established :

(b.) If any branch is to have trustees or officers authorised to sue and be sued on its behalf other than the trustees or officers authorised to sue and be sued on behalf of the society, a list of the names of all trustees or such officers, distinguishing the branches for which they are authorised to sue and be sued :

(c.) If the rules of all the branches (herein called branch rules) are or are intended to be identical, a statement to that effect, and copies of such rules :

(d.) If the branch rules are not or are not intended to be identical, a statement to that effect, and copies of all branch rules.

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Recording of
branch rules.

(2.) A society having a fund under the control of a central body to which every branch is bound to contribute may be registered as a single society.

Where such society has branches in more than one country, the provision herein contained as to the registry of societies doing business in more than one country shall apply to the society.

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Notices of
establish-
ment of new
branches.

(3.) Notice of the establishment of every new branch by a registered society, and of the place where the same is established, and if such branch is to have trustees or officers authorised to sue and be sued on its behalf other than the trustees or officers authorised to sue and be sued on behalf of the society, a list of the names of such

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trustees or officers, and a statement whether or not the rules of such branch are identical with those of the other branches of the society, and, if not so, a copy of the rules of such branch, shall be sent under the hand of the secretary to the registrar whom it may concern.

(4.) Until a copy of the rules of a branch (in the case herein-before mentioned) has been registered in the country in which such branch is established, the society is not entitled to any of the privileges of this Act in respect of such branch, and until a copy of any amendment of the rules of a branch has been so registered the same does not take effect as respects such branch.

Until copies of branch rules registered, Act not to apply to branch.

(5.) The provisions of this Act as to appeals, and the result thereof, as to amendments of rules, as to the acknowledgment of registry, and the evidence of registry and of rules, apply to branch rules.

Application of previous provisions.

(6.) Where a society has no fund under the control of a central body to which every branch is bound to contribute, every branch is deemed to be and must be registered as a separate society, whether its rules are identical with those of other branches or not.

Where branches must be separately registered.

30. The provisions of the present section apply only to friendly societies receiving contributions at a greater distance than ten miles from the registered office of the society by means of collectors.

Societies receiving contributions in two or more counties by collectors.

(1.) The society shall deliver to every person, on his becoming a member of or insuring with a society, a copy of the rules of the society, together with a printed policy signed by two of the committee or managers of the society and by the secretary, at a price not exceeding one penny for the rules and one penny for the policy; in the case of a family enrolled in one book or card, one copy of rules and one family policy shall be sufficient.

Members to receive copies of rules and policies.

(2.) No forfeiture is incurred by any member or person insured by reason of any default in paying any contribution, until after a written or printed notice has been delivered or sent by post prepaid to him, or left at his last known place of abode, by or on behalf of the society, stating the amount due by him, and apprizing him that in case of default of payment by him at a reasonable time and place, to be specified in such notice, his interest or benefit will be forfeited, and after default has been made by him in paying his contribution in accordance with such notice.

Notice to be given before forfeiture.

(3.) No member of or person insured with any society can, unless in the case of an amalgamation, transfer of engagements, or conversion into a company under section twenty-four of this Act, become or be made a member of or be insured with any other society, or any company registered under the Companies Acts, without his

No transfers without written consent.

A.D. 1875. written consent, or, in the case of an infant, without that of his father or other guardian; and, notwithstanding any attempt to transfer any member or person insured from one society to another, or to a company as aforesaid, without such consent, the society from which he is sought to be transferred remains liable to fulfil all its engagements towards such member or person, and all persons claiming through him; and the society or company to which such member or person is sought to be transferred shall within seven days from his application for admission to the same give notice thereof in writing to the society from which he is sought to be transferred. 5 10

No collector to be member of committee of management.

(4.) No collector, whilst he is such, is capable of being a member of the committee of management, or other governing body (by whatever name) of the society, or of holding any other office in the society, except that of superintending collectors within an area to be from time to time specified. 15

Collectors not to vote.

(5.) No collector of a society is capable of voting at or taking part in the proceedings of any meeting of the same.

One general meeting every year.
Notices of meetings.

(6.) At least one general meeting of the society shall be held in every year. 20

(7.) Except where the day, hour, and place of an annual or other periodical meeting is fixed by the rules, notice of every general meeting shall be given by the society to the members by advertisement to be published at least twice in two or more of the newspapers in general circulation in every county where the society carries on business, or shall be delivered in writing or sent by post prepaid to every member. Such notice shall specify the day, hour, and place, and the objects of the meeting, and in case any amendment of a rule is intended to be proposed shall contain a copy of every such amendment; and the society shall publish the last of such advertisements, or deliver or send such notice as aforesaid, at least fourteen days before the day appointed for such meeting, and shall during such fourteen days keep affixed a copy of such notice in legible characters in some conspicuous place in or outside of every office at which the business of the society is carried on. 25 30 35

Balance sheets.

(8.) A copy of every balance sheet of a society shall, during the seven days next preceding the meeting at which the same is to be presented, be kept open by the society for inspection at every office at which the business of the society is carried on, and shall be delivered or sent prepaid to every member on demand. 40

Certification of annual returns.

(9.) The annual returns shall be certified by some person not an officer of the society (otherwise than auditor thereof), carrying on publicly the business of an accountant, and if not so certified shall be deemed not to have been made.

(10.) In all disputes between a society and any member or person insured, or any person claiming through a member or person insured, or under the rules, such member or person may, notwithstanding any provisions of the rules of such society to the contrary, 5 apply to the county court, or to the court of summary jurisdiction for the place where such member or other person resides, and such court may settle such dispute in manner herein provided. A.D. 1875.
Disputes.

(11.) It shall be an offence under this Act—

- 10 (a.) If any collector of a society to which this section applies becomes a member of the committee, or holds any other office in the same (except as aforesaid), or if any member of the committee of management becomes a collector, or if any collector votes at or takes part in the proceedings of a general meeting : Offences under this section.
- 15 (b.) If any person attempts to transfer a member or person insured from one society to another, or to a company, without such written consent as herein mentioned :
- 20 (c.) If a society or company to which a member or person is sought to be transferred fails to give such notice as hereinbefore required.

(12.) All the provisions of the present section apply to societies existing at the commencement of this Act, and shall be contained in the rules of all future societies to which this section applies; and, except the provision numbered (9), the same shall apply to 25 all societies to which this section applies, whether registered under this Act or not, existing for any purpose mentioned in section eight of this Act; and any act or omission which by virtue of this and of any other section would be an offence under this Act on the part of a registered society shall be an offence on the part 30 of a society that is not registered. Provisions of present section to be contained in rules.

31. The provisions of the present section apply only to registered cattle insurance societies, and to such specially authorised societies as the Treasury may allow to take the benefit of the present section : As to cattle insurance and certain other societies.

35 (1.) The rules bind the society and the members thereof, and all persons claiming through them respectively, to the same extent as if each member had subscribed his name and affixed his seal thereto, and there were in such rules contained a covenant on the part of himself, his heirs, executors, and administrators, to con- 40 form to such rules subject to the provisions of this Act. Rules to have effect of covenant by members.

(2.) All moneys payable by a member to the society are deemed to be a debt due from such member to the society, and are recover- Money payable by members to

A.D. 1875. able as such in the county court of the district in which the place
 be recover- or principal place of business of the society is situate, or in which
 able as debt. such member resides.

Penalties. **32.** With respect to penalties under this Act, the following
 provisions shall have effect : 5

Penalty for (1.) If any person wilfully makes, orders, or allows to be made
 falsification. any entry, erasure, in or omission from any balance sheet of a
 registered society, or any contribution or collecting book, or any
 return or document required to be sent, produced, or delivered for
 the purposes of this Act, with intent to falsify the same, or to 10
 evade any of the provisions of this Act, he is liable to a penalty
 not exceeding fifty pounds, recoverable at the suit of the chief or
 any assistant registrar.

Penalties for (2.) Every society, officer or member of a society, or other person
 ordinary guilty of an offence under this Act for which no penalty is expressly 15
 offences. provided herein is liable to a penalty of not less than one pound
 and not more than five pounds, recoverable at the suit of the
 chief or any assistant registrar or of any person aggrieved.

Recovery of (3.) All penalties imposed by this Act, or to be imposed by any
 penalties. regulations under the same, or by the rules of a registered society, 20
 are recoverable in a court of summary jurisdiction.

Summary **33.** With respect to summary procedure and appeals from orders
 procedure or convictions thereon made, the following provisions shall have
 and appeals. effect :

(1.) In England and Ireland all offences and penalties under this 25
 Act may be prosecuted and recovered, in the manner directed by
 the Summary Jurisdiction Acts, in the place where the registered
 office of the society is, or where the offence has been committed.

(2.) In England and Ireland summary orders under this Act
 may be made and enforced on complaint before a court of summary 30
 jurisdiction in the manner provided by the Summary Jurisdiction
 Acts.

(3.) The court of summary jurisdiction, when hearing and deter-
 mining an information or complaint, shall consist as follows :—

In England— 35

(a.) In any place within the jurisdiction of a metropolitan
 police magistrate or other stipendiary magistrate, of such
 magistrate or his substitute :

(b.) In the city of London, of the lord mayor or any alderman
 of that city : 40

(c.) In any other place, of two or more justices of the peace
 sitting in petty sessions.

In Ireland—

(a.) In the police district of Dublin metropolis, of a divisional justice :

(b.) In any other place, of a resident magistrate.

5 (4.) In Scotland—

(a.) All offences and penalties under this Act may be prosecuted and recovered by the procurator fiscal of the county in the Sheriff Court, under the provisions of the Summary Procedure Act, 1864 :

10 (b.) Summary orders may be made and enforced on complaint in the Sheriff Court :

(c.) All penalties may be enforced in default of payment by imprisonment for a term to be specified in the summons or complaint, but not exceeding three months :

15 (d.) All penalties recovered shall be paid to the sheriff clerk, and by him accounted for and paid to the Queen's and Lord Treasurer's Remembrancer on behalf of the Crown :

(e.) The sheriffs and their substitutes shall have all jurisdiction, power, and authority necessary for giving effect to these provisions.

20 (5.) In any information or complaint under this Act it is sufficient to describe the offence in the words of this Act, and no exception, exemption, proviso, excuse, or qualification accompanying the description of the offence in this Act need be specified or
Description of offences.

25 negatived.

(6.) In England or Ireland any party may appeal from any order or conviction made by a court of summary jurisdiction on determining any complaint or information under this Act as follows : Appeals.

30 (a.) The appeal shall be made to some court of general or quarter sessions for the county or place in which the cause of appeal has arisen, holden not less than fifteen days and not more than four months after the decision appealed from :

35 (b.) The appellant shall within seven days after the cause of appeal has arisen give notice to the other party and to the court of summary jurisdiction of his intention to appeal, and of the ground thereof :

40 (c.) The appellant shall immediately after such notice enter into a recognizance before a justice of the peace in the sum of ten pounds, with two sufficient sureties in the sum of ten pounds, conditioned personally to try such appeal, and to abide the judgment of the court thereon, and to pay costs if awarded :

A.D. 1875.

(d.) Where the appellant is in custody, the justice may, on the appellant entering into such recognizance as aforesaid, release him from custody :

(e.) The court of appeal may adjourn the appeal, and upon the hearing thereof may confirm, reverse, or modify the decision of the court of summary jurisdiction, or remit the matter to such court with the opinion of the court of appeal thereon, or make such other order in the matter as the court thinks just : 5

(f.) If the matter be remitted to the court of summary jurisdiction, such court shall thereupon rehear and decide the information or complaint in accordance with the opinion of the court of appeal. 10

(7.) In Scotland any person may appeal from any order or conviction under this Act to the next circuit court of justiciary, or where there are no circuit courts to the High Court of Justiciary at Edinburgh. 15

Regulation
of proceed-
ings in
county
courts.

34. Proceedings under this Act by and before the judges of county courts may be regulated in England by any rules and orders of court to be made in that behalf under the Supreme Court of Judicature Act, 1873, in Scotland by any acts of sederunt of the Court of Session, and in Ireland by any orders made by the Lord Chancellor, and until otherwise provided are regulated by such rules and orders, and acts of sederunt made under the forty-third section of the Act of the eighteenth and nineteenth years of Her present Majesty, chapter sixty-three, as may be in force at the commencement of this Act. 20 25

The registrar and high bailiffs of the county courts shall be remunerated for the duties to be performed by them under this Act in such manner as the Treasury, with the consent of the Lord Chancellor, shall from time to time order and direct. 30

Public
auditors.

35. The Treasury may from time to time appoint public auditors and valuers for the purposes of this Act, and may determine from time to time the rates of remuneration to be paid by societies for the services of such auditors and valuers ; but the employment of such auditors and valuers is not compulsory on any society. 35

Fees.

36. The Treasury may determine a scale of fees to be paid for matters to be transacted or for the inspection of documents under this Act ; but no fee shall be payable on the registry of any friendly, benevolent, or cattle insurance society, or working men's club, or of any amendment of the rules of the same. 40

All fees which may be received by any registrar under or by virtue of this Act shall be paid into the receipt of Her Majesty's Exchequer. A.D. 1875.

37. The Treasury shall, out of money to be provided by Parliament, pay to the chief and assistant registrars such salaries or other remunerations respectively, and such sums of money for defraying the expenses of office rent, salaries of assistants, clerks, and servants, remuneration for actuaries, accountants, and inspectors, computation of tables, publication of documents, diffusion of information, expenses of prosecutions, travelling expenses and other allowances of the chief or any assistant registrar, and other expenses which may be incurred for carrying out the purposes of this Act, and may also pay to any public auditors or valuers to be appointed under this Act such remuneration (if any) as the Treasury shall from time to time allow. Payment of salaries and expenses.

38. The Treasury may from time to time make regulations respecting registry and procedure under this Act, and the seal and forms to be used for such registry, and the duties and functions of the registrar, and the inspection of documents kept by the registrar under this Act, and generally for carrying this Act into effect. Regulations to be made for carrying out the Act.

All such regulations shall be laid before both Houses of Parliament within ten days after the approval thereof if Parliament is then sitting, or if not then sitting, then within ten days from the then next assembling of Parliament.

25 Until otherwise provided, the forms contained in the fourth schedule to this Act shall be used.

39. Every instrument or document, copy or extract of an instrument or document, bearing the seal or stamp of the central office, shall be received in evidence without further proof; and every document purporting to be signed by the chief or any assistant registrar, or any inspector, or public auditor under this Act, shall, in the absence of any evidence to the contrary, be received in evidence without proof of the signature. Evidence of documents.

40. With respect to the Isle of Man the provisions of this Act shall be varied as follows: Application of Act to Isle of Man.

(1.) The terms "Supreme Court of Judicature" and "county court" respectively mean the Court of Chancery of the said Isle, in which court the proceedings under this Act may be regulated by rules and orders to be made in that behalf by the court, and, until otherwise provided, shall be regulated according to the ordinary practice of such court:

A.D. 1875.

(2.) The terms "the Companies Acts" and "the Companies Act, 1862," respectively mean the law for the time being in force in the said Isle for the regulating and winding-up of companies :

(3.) The term "Summary Jurisdiction Acts" means the law for the time being in force in the said Isle for regulating the exercise of 5 summary jurisdiction by justices of the peace :

(4.) All offences and penalties under this Act shall be prosecuted and recovered summarily before a high bailiff or two justices of the peace at the suit or instance of a registrar or of a head constable :

(5.) All penalties recovered under this Act shall be paid to the 10 treasurer of the said Isle, and be added to the general revenue of the said Isle :

(6.) Any person may appeal from any order or conviction to be made in a case of summary jurisdiction under this Act in the manner prescribed by the law in force in the said Isle as to appeals 15 in cases of summary jurisdiction.

Application
of Act to
Channel
Islands.

41. With respect to the Channel Islands this Act shall be varied as follows :

1. As respects the Island of Jersey, the following provisions shall have effect :

20

(a.) The term "county court" means the court for the recovery of petty debts, in all cases in which the claim or demand shall not exceed the sum of ten pounds sterling, and in all other cases it means the inferior number of the royal court of the said island, composed of the bailiff and two 25 jurats of the said court :

(b.) The term "court of summary jurisdiction" has in civil cases the same meaning as the term county court :

(c.) All misdemeanors under this Act shall be prosecuted, tried, and punished in the form and manner prescribed by the 30 law and custom of the said island with respect to crimes and offences (*crimes et délits*) :

(d.) All other offences and all penalties under this Act shall be prosecuted and recovered summarily before the magistrate of the court for the repression of minor offences, in all 35 cases of his competency, at the suit or instance of the bailiff of the parish in which the offence or other unlawful act shall have been committed, and in all other cases before the bailiff and two jurats of the royal court, at the suit or instance of Her Majesty's Procurator General for 40 the said island :

A.D. 1875.
—

- (e.) All penalties recovered under this Act shall be paid to the officers who by the law and practice of the said island are entitled to receive fines levied by order of the said courts respectively, and shall by such officers be accounted for and paid to Her Majesty's Receiver General in the said island on behalf of the Crown :
- (f.) The powers conferred under this Act on two justices shall be exercised by the inferior number of the royal court of the said island :
- (g.) Clause thirty-three of this Act, and the term "Summary Jurisdiction Acts," shall not apply to the said island, but all proceedings under this Act in any of the courts of the said island shall be regulated according to the ordinary practice of such courts respectively, and all penalties shall in default of payment be enforced in the same manner as fines payable to the Crown in the said island :
- (h.) The rules prescribed by the law of the said island with respect to appeals in civil and criminal cases shall be followed as to appeals from any orders, judgments, or convictions made in cases of summary jurisdiction under this Act :
- (i.) The terms "the Companies Acts," and "the Companies Act, 1862," shall be taken to mean the law which from time to time may be in force in the said island for the formation, regulation, and winding up of companies.
2. As respects the bailiwick of the Island of Guernsey :
- (a.) The court of primary instance within the bailiwick shall have all such powers and authorities as are by this Act conferred either on justices of the peace or on judges of county courts in England : Provided that a sentence may be appealed from if the case admits of an appeal, under the orders in council now in force within the bailiwick, but that the decision of the royal court when sitting in a body as a court of appeal shall be final :
- (b.) When any sum of money becomes payable on the death of a member, such sum of money shall, in default of any direction or nomination such as is contemplated by this Act, be paid to the deceased member's legal representative, according to the law of Guernsey :
- (c.) All friendly societies within the bailiwick shall be authorised to invest any part of their funds in the states bonds either of Guernsey or of Alderney :

A.D. 1875.

- (d.) The term “the Companies Act” means the law for the time being in force in the said bailiwick for the regulation and winding up of companies :
- (e.) All offences and penalties under this Act shall be prosecuted and recovered summarily before the court of primary jurisdiction at the suit or instance of the law officers of the Crown or of a constable of a parish : 5
- (f.) All penalties recovered under this Act shall be paid to the Receiver General, to be by him carried to the account of the Crown revenue.

SCHEDULES.

SCHEDULE I.

ACTS AND ENACTMENTS REPEALED.

	Date of Act.	Title of Act.	Extent of Repeal.
5	52 Geo. 3. c. 38.	An Act to amend the Laws relating to Local Militia in England.	Section 41.
	52 Geo. 3. c. 68.	An Act for amending the Laws relating to Local Militia in Scotland.	Section 39.
10	17 & 18 Vict. c. 105.	An Act to amend the Law relating to the Militia in England and Wales.	Section 44.
	17 & 18 Vict. c. 106.	An Act for amending the Laws relating to the Militia and raising a Volunteer Militia Force in Scotland.	Section 69.
15	17 & 18 Vict. c. 107.	An Act for amending the Laws relating to the Militia and raising a Volunteer Militia Force in Ireland.	Section 27.
	18 & 19 Vict. c. 63.	An Act to consolidate and amend the Law relating to Friendly Societies.	The whole.
20	21 & 22 Vict. c. 101.	An Act to amend the Act of the 18th and 19th years of Her present Majesty, chapter 63, relating to Friendly Societies.	The whole.
	22 & 23 Vict. c. 40.	An Act for the establishment of a Reserve Volunteer Force of Seamen, and for the government of the same.	Section 23.
25	23 Vict. c. 13.	An Act to prevent the members of Benefit Societies from forfeiting their interest therein by being enrolled in Yeomanry or Volunteer Corps.	The whole.
30	23 & 24 Vict. c. 58.	An Act to amend an Act of the 18th and 19th years of Her Majesty relating to Friendly Societies.	The whole.
	26 & 27 Vict. c. 65.	An Act to consolidate and amend the Acts relating to the Volunteer Force in Great Britain.	Section 44.
35	29 Vict. c. 34.	An Act to give further facilities for the establishment of Societies for the Assurance of Cattle and other Animals.	The whole.
40	36 & 37 Vict. c. 77.	An Act to provide for the establishment of a Royal Naval Artillery Volunteer Force.	Section 33.

A.D. 1875.

SCHEDULE II.

MATTERS TO BE PROVIDED FOR BY THE RULES OF SOCIETIES
REGISTERED UNDER THIS ACT.

1. The name and place of office of the society.
2. The whole of the objects for which the society is to be established, the 5
purposes for which the funds thereof shall be applicable, the terms of admis-
sion of members, the conditions under which any member may become entitled
to any benefit assured thereby, and the fines and forfeitures to be imposed on
any member.
3. The mode of holding meetings and right of voting, and the manner of 10
making, altering, or rescinding rules.
4. The appointment and removal of a committee of management (by whatever
name), of a treasurer and other officers, and of trustees, and in the case of a
society with branches, the composition of the central body, and the conditions
under which a branch may secede from the society. 15
5. The investment of the funds, the keeping of the accounts, and the audit of
the same once a year at least.
6. Annual returns to the registrar of the receipts, funds, effects and expen-
diture and number of members of the society.
7. The inspection of the books of the society by every person having an 20
interest in the funds of the society.
8. The manner in which disputes between the society and any of its members,
and any person claiming through a member or under the rules, shall be settled.
And also in the case of friendly and cattle insurance societies:—
1. The keeping separate accounts of all moneys received or paid on account 25
of every particular fund or benefit assured for which a separate table of contri-
butions payable shall have been adopted, and the keeping separate account of
the expenses of management, and of all contributions on account thereof.
2. (Except as to cattle insurance societies) returns every five years to the 30
registrar of the sickness and mortality of the society.
3. (Except as to cattle insurance societies) a valuation once at least in every
five years of the assets and liabilities of the society, including the estimated
risks and contributions.
4. The voluntary dissolution of the society by consent of not less than five-
sixths in value of the members, and of every person for the time being entitled 35
to any benefit from the funds of the society, unless his claim be first satisfied
or adequately provided for.
5. The right of three-eighths of the total number of members, or of one
hundred members in the case of a society of one thousand members and not
exceeding five thousand, or of five hundred members in the case of a society of 40
more than ten thousand members to apply to the chief registrar for an inves-
tigation of the affairs of the society, for winding up the same, or for an adjustment
of contributions and benefits.

SCHEDULE III.

FORM OF BOND.

(1.)—In England or Ireland.

KNOW all men by these presents, that we, *A.B.* of _____ one of the
 5 officers of the _____ society, established at _____, in the county
 of _____, and *C.D.* of _____ (as surety on behalf
 of the said *A.B.*) are jointly and severally held and firmly bound to *A.B.* of
 _____, *C.D.* of _____, and *E.F.* of _____, the
 trustees of the said society, in the sum of _____ to be paid to the
 10 said *A.B.*, *C.D.*, and *E.F.*, as such trustees, or their successors, trustees for
 the time being, or their certain attorney; for which payment well and truly to
 be made we jointly and severally bind ourselves, and each of us by himself,
 our and each of our heirs, executors, and administrators, firmly by these presents.
 Sealed with our seals. Dated the _____ day of _____ in the year
 15 of our Lord _____.

Whereas the above-bounden *A.B.* has been duly appointed to the office
 of _____ of the _____ society, established as aforesaid, and he, together
 with the above-bounden *C.D.* as his surety, have entered into the above-written
 bond, subject to the condition herein-after contained: Now therefore the con-
 20 dition of the above-written bond is such, that if the said *A.B.* do render a just
 and true account of all monies received and paid by him on account of the
 said society, at such times as the rules thereof appoint, and do pay over all the
 monies remaining in his hands, and assign and transfer or deliver all property
 (including books and papers) belonging to the said society in his hands or
 25 custody to such person or persons as the said society or the trustees or com-
 mittee of management thereof shall appoint, according to the rules of the said
 society, together with the proper and legal receipts or vouchers for such pay-
 ments, then the above-written bond shall be void, otherwise shall remain in full
 force.

30 Sealed and delivered in the presence of _____ [two witnesses.]

(2.)—In Scotland.

I *A.B.* of _____ hereby bind and oblige myself,
 to the extent of £ _____ at most, as caution and surety for *C.D.*, a person
 employed by the _____ society, that he, the said *C.D.*, shall on
 35 demand faithfully and truly account for all monies received and paid to him for
 behoof of the said society, and also assign and transfer or deliver all property
 (including books and papers) belonging to the said society in his hands or
 custody, and that to such person or persons as the said society or the trustees
 thereof shall appoint, according to the rules of the said society.

40 Dated at _____ this _____ day of _____
 _____ Signature of Cautioner.

E.F. of witness.

G.H. of witness.

The above bond shall not require a testing clause or subscription clause, and
 45 may be wholly written or wholly printed, or partly written and partly printed.

A.D. 1875.

FORM OF RECEIPT TO BE ENDORSED ON MORTGAGE OR FURTHER
CHARGE.

The trustees of the society hereby acknowledge to have received
all moneys intended to be received by the within [or above] written deed.

Signed [Signatures of Trustees.] 5
Trustees.

Countersigned [Signature of Secretary]
Secretary.

SCHEDULE IV.

ACKNOWLEDGMENT OF REGISTRY OF SOCIETY. 10

The Society is registered as a [*friendly society, cattle insurance
society, benevolent society, working men's club, or specially authorised society*],
under the Friendly Societies Act, 1875, this day of .

[Seal or stamp of central office, or signature of Assistant
Registrar for Scotland or Ireland.] 15

ACKNOWLEDGMENT OF REGISTRY OF AMENDMENT OF RULES.

The foregoing amendment of the rules of the Society is registered
under the Friendly Societies Act, 1875, this day of .

[Seal or stamp of central office, or signature of Assistant
Registrar for Scotland or Ireland.] 20

Friendly Societies.

A

B I L L

[AS AMENDED IN COMMITTEE AND ON
RE-COMMITMENT]

To consolidate and amend the Law
relating to Friendly and other
Societies.

*(Prepared and brought in by
Mr. Chancellor of the Exchequer, Mr. Secretary
Cross, and Mr. William Henry Smith.)*

*Ordered, by The House of Commons, to be Printed,
4 June 1875.*

[Bill 196.]

Under 7 oz.

LORDS AMENDMENTS

TO

THE FRIENDLY SOCIETIES BILL.

Note.—The page and line refer to the Bill (173.) as first printed by the Lords.

Page 1.

Line 8, leave out ("section 10") and insert ("sections 10
" and 38")

Page 4.

Line 5, leave out ("sixty") and insert ("fifty")

Line 21, leave out ("thirty") and insert ("fifty")

Page 5.

Line 19, leave out from ("powers") to ("which") in line 20.

Line 22, after ("or") insert ("as respects loan societies,
" building societies, and societies instituted for purposes of
" science, literature, or the fine arts")

Line 24, after ("all") insert ("statutory")

Line 37, after ("societies") insert ("and from time to time
" publish generally or in particular districts such particulars
" of their returns and valuations")

Page 6.

Line 8, leave out ("For the purposes of this Act")

Line 16, after ("shall") insert ("in subordination to the chief
" registrar")

Page 7.

Line 16, after ("public") insert ("as to its identity")

Line 17, after ("without") insert ("the"), and after ("chief")
insert ("or an assistant")

Line 18, after ("registrar") insert ("as after provided")

[Bill 265.]

A

Page 8.

Line 5 and
Line 7, } after (" the ") insert (" assistant ")

Line 25, after (" registered ") insert (" and doing business ")

Line 37, after the first (" the ") insert (" chief or assistant ")

Line 44, after (" the ") insert (" chief or assistant ")

Page 9.

Line 8, leave out (" registrar or ") and insert (" registrar's or
" the ")

Page 10.

Line 32, after (" society ") insert (" as audited ")

Line 35, leave out (" and shall be duly audited ") and insert
(" and a copy of the auditor's report, if any, shall also be
" sent to the registrar with such general statement; and
" such annual return shall state whether the audit has
" been conducted by a public auditor appointed as in this
" Act provided, and by whom; and, if by any person or
" persons other than a public auditor, shall state the name,
" address, and calling or profession of each of such persons,
" and the manner in which and the authority under which
" they were respectively appointed ")

Line 43, leave out from (" Parliament ") to the end of the
sub-section.

Page 11.

Line 15, after (" valuation ") insert (" together with a return
" containing such information with respect to the benefits
" assured and contributions receivable by the society, and
" of its funds and effects, debts and credits, as the registrar
" may from time to time require ")

Line 27, after (" kept ") insert (" except that no such member
" or person, unless he be an officer of the society, or be
" specially authorised by a resolution of the society to do
" so, shall have the right to inspect the loan account of any
" other member without the written consent of such
" member ")

Line 33, after (" being ") insert (" together with the report of
" the auditors, if any ")

Line 36 and
Line 39, } after (" is ") insert (" or ought to be ")

Page 12.

Line 1, after first (" to ") insert (" give, send,")

Line 12, leave out the second (" the ") and insert (" any ")

Page 14.

Line 11, after (" dead ") insert (" or has been removed from
" his office of trustee ")

Page 15.

Line 37, leave out from (" meeting ") to (" may ") in line 39.

Page 16.

Line 17, after (" registered ") insert (" Provided that nothing
" herein contained shall authorise any benevolent society to
" hold land exceeding one acre in extent at any one
" time ")

Page 17.

Lines 44 and 45, leave out (" with costs not exceeding twenty
" shillings ") and insert (" and costs ")

Page 23.

Lines 6 and 7, leave out (" or other person empowered to decide
" a dispute ")

Line 26, after (" registered ") insert (" and doing business ")

Page 24.

Line 12, after (" chief ") insert (" or such assistant ")

Line 35, after (" registered ") insert (" and doing business
" exclusively ")

Page 25.

Line 24, after (" registrar ") insert (" or by the assistant regis-
" trar for Scotland or Ireland under his direction ")

Page 27.

Line 8, after (" be ") insert (" stated in the instrument of dis-
" solution to be ")

Page 29.

Line 10, leave out from (" judgment ") to (" prevent ") in
line 11.

Line 16, after (" this ") insert (" or the last preceding ")

Page 30.

Line 5, after ("unregistered") insert ("or be fined for absence
" from or non-attendance at any meeting of the society, such
" absence or non-attendance being occasioned by the dis-
" charge of his military or naval duty as certified by his
" commanding officer")

Line 25, after ("sum") insert ("together with any bonuses or
" additions declared upon assurances not exceeding that
" amount")

Line 26, leave out ("thirty") and insert ("fifty")

Line 37, leave out from ("which") to ("pounds") in line 39
and insert ("exceeds three")

Page 31.

Line 17, leave out ("six") and insert ("three")

Page 32.

Line 22, after ("all") insert ("such") and after ("or")
leave out ("such")

Page 33.

Line 21, after ("and") insert ("except as after mentioned"),
and after ("contributions") insert ("by means of collectors")

Line 23, leave out ("by means of collectors")

Line 36, leave out ("at") and insert ("within"), and after
("time") insert ("not being less than fourteen days")

Line 42, after ("Act") insert ("or as respects an industrial
" assurance company of an amalgamation or transfer of
" business under the Life Assurance Companies Act, 1870")

Page 34.

Line 8, after ("societies") insert ("whether registered under
" this Act or unregistered")

Lines 8 and 9, leave out ("whether registered under this Act
" or unregistered")

Line 41, after ("than") insert ("as")

Page 35.

Line 7, after ("provided") insert—

Service by
post.

(11.) In proving service of any notice by this section authorised
to be sent by post, it is sufficient to prove that such
notice was properly directed, and was put, as a prepaid

letter, into the post office in such time as to admit of its being delivered in due course of delivery within the period (if any) prescribed for sending the same.

Line 23, after ("applies") insert ("and any act or omission which by virtue of this and any other section of this Act would be an offence on the part of a registered society shall be an offence on the part of any other society to which this Act applies, and of any officer of such society bound to fulfil the duty (if any) whereof such offence is a breach")

Line 27, leave out ("or annuity")

Page 36.

Line 24, after ("Acts") insert ("as respects a prosecution against the society or its officers")

Lines 26 and 27, leave out ("in case of a prosecution against the society or its officers, or in the case of") and insert ("as respects")

Line 28, after ("officers") insert ("in the place")

Page 38.

Line 22, leave out ("(2)")

Line 24, after ("Act") insert ("directed to be taken")

Line 25, leave out from ("regulated") to ("in") in line 27.

Line 34, leave out ("registrar") and insert ("registrars")

Page 39.

Line 36, after ("auditor") insert ("or valuer")

Page 44.

Line 23, leave out ("and") and insert ("or")

Line 44, after ("registered") insert ("and doing business")

Page 46.

Line 4, leave out ("received") and insert ("secured")

LORDS AMENDMENTS

TO

THE FRIENDLY SOCIETIES BILL.

*Ordered, by The House of Commons, to be Printed,
23 July 1875.*

[Bill 265.]

Under 1 oz.

A

B I L L

FOR

The Abolition of the Game Laws.

A.D. 1875.

WHEREAS various statutes have from time to time been enacted for the protection of certain species of wild animals for sporting purposes:

And whereas in consequence of such legislation some of the said
5 wild animals have in various parts of the country multiplied to an extent very injurious to the interests of the cultivators of the soil, as well as to the general well-being of the community, by diminishing the available produce of the land:

And whereas such excessive quantity of the said wild animals has
10 greatly contributed to the demoralization of the people, by affording continual temptation to breaches of the law:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and
15 by the authority of the same,—

1. That from and after the *fourteenth day of February one thousand eight hundred and seventy-seven*, all those Statutes providing for the protection, preservation, and sale of the wild animals aforesaid, namely, any game whatever, and any woodcock, snipe, quail, or
20 landrail, or any conies, or any deer, shall cease and determine; and after the commencement of this Act there shall be repealed the several Acts, or such portions of them as are inconsistent with this Act, mentioned in the schedule hereto annexed.

Repeal of
Acts.

A.D. 1875.

SCHEDULE.

List of Acts repealed.

13 Rich. 2. c. 13.	5 & 6 Vict. c. 81.	
Act of 1621, c. 31. Scotch Act.	7 & 8 „ c. 29.	
10 Will. 3. c. 8. Irish Act.	11 & 12 „ c. 29.	5
Act 1707, c. 13. Scotch Act.	11 & 12 „ c. 30.	
13 Geo. 3. c. 54.	23 & 24 „ c. 113.	
27 „ c. 35. Irish Act.	24 & 25 „ c. 91.	
37 „ c. 21. Irish Act.	24 & 25 „ c. 96.	
39 „ c. 34.	25 & 26 „ c. 114.	10
48 „ c. 93.	26 „ c. 19.	
9 Geo. 4. c. 69.	27 & 28 „ c. 67.	
10 „ c. 50.	28 & 29 „ c. 2.	
1 & 2 Will. 4. c. 32.	28 & 29 „ c. 11. s. 87.	
2 & 3 „ c. 68.	28 & 29 „ c. 12. s. 91.	15
2 & 3 „ c. 113. s. 9.	28 & 29 „ c. 54.	
5 & 6 „ c. 20. ss. 20 and 21.	32 & 33 „ c. 4.	
6 & 7 „ c. 65.	32 & 33 „ c. 5.	
	33 & 34 „ c. 57.	

A

BILL

For the Abolition of the Game Laws.

(Prepared and brought in by
Mr. P. A. Taylor, Mr. Burt, Mr. Dixon,
and Mr. McConkie.)

Ordered, by The House of Commons, to be Printed,
8 February 1875.

[Bill 12.]

Under 1 oz.

A

B I L L

INTITULED

An Act for confirming certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Blackburn Gas, Brighton and Hove Gas, Littlehampton Gas, North Bierley Gas, Weymouth Gas, Wolverhampton Gas, Bognor Water, Newington Water, Newport (Isle of Wight) Water, and Bridgend (Glamorgan-shire) Gas and Water. A.D. 1875.

WHEREAS under the authority of the Gas and Water Works Facilities Act, 1870, the Board of Trade have made the several Provisional Orders set out in the schedule to this Act annexed :

5 And whereas a Provisional Order made by the Board of Trade under the authority of the Gas and Water Works Facilities Act, 1870, is not of any validity or force whatever until the confirmation thereof by Act of Parliament :

10 And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the authority of the said Act, and set out in the schedule to this Act, be confirmed by Act of Parliament :

15 Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as The Gas and Water Orders Confirmation Act, 1875. Short title.

20 2. The several Orders set out in the schedule to this Act shall be and the same are hereby confirmed ; and all the provisions thereof, in manner and form as they are set out in the said schedule, shall, from and after the passing of this Act, have full validity and force. Confirmation of Orders in schedule.

A.D. 1875.

SCHEDULE OF ORDERS.

1. GAS ORDERS.

1. BLACKBURN GAS.—Order empowering the Blackburn Gas Light Company to raise additional capital.
2. BRIGHTON AND HOVE GAS.—Order empowering the Brighton and Hove 5
General Gas Company to raise additional capital.
3. LITTLEHAMPTON GAS.—Order empowering the Littlehampton Gas
Company, Limited, to maintain and continue gasworks, and to manu-
facture and supply gas in the town of Littlehampton and its vicinity, in
the county of Sussex. 10
4. NORTH BIERLEY GAS.—Order empowering the North Bierley Gas
Company to raise additional capital.
5. WEYMOUTH CONSUMERS GAS.—Order empowering the Weymouth
Consumers Gas Company to raise additional capital.
6. WOLVERHAMPTON GAS.—Order empowering the Wolverhampton Gas 15
Company to raise additional capital.

2. WATER ORDERS.

7. BOGNOR WATER.—Order empowering the Bognor Water Company,
Limited, to construct waterworks, and to supply water in the town of
Bognor and its vicinity, in the county of Sussex. 20
8. NEWINGTON WATER.—Order empowering the Newington Water Company,
Limited, to maintain and continue waterworks, and to supply water in
certain parts of the local board districts of Newington and Cottingham,
in the county of York.
9. NEWPORT (ISLE OF WIGHT) WATER.—Order empowering the Newport 25
Carisbrooke Water Company (Limited) to maintain, construct, and
continue waterworks, and to supply water in the parishes of Carisbrooke,
St. Nicholas, Northwood, and Whippingham, in the Isle of Wight,
and in the borough of Newport in that isle.

3. GAS AND WATER ORDER.

10. BRIDGEND (GLAMORGANSHIRE) GAS AND WATER.—Order empowering
the Bridgend (Glamorganshire) Gas and Water Company to raise
additional capital. 30
-

A.D. 1875.

BLACKBURN GAS.

Blackburn.

Order empowering the Blackburn Gas Light Company to raise Additional Capital.

1. This Order may be cited as "The Blackburn Gas Order, 1875."

Short title.

5 2. "The Blackburn Gas Act, 1853," and "The Blackburn Gas Act, 1860," (hereinafter referred to severally as the Act of 1853 and the Act of 1860, and jointly as the recited Acts,) and this Order, shall be construed together, except so far as such construction would be inconsistent with or repugnant to the provisions of this Order.

Construction of Order.

10 3. So far as the same relate to the powers conferred by this Order, the provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the several matters following; (that is to say,)

Incorporation of general Acts.

The distribution of the capital hereby authorised into shares;

The transfer or transmission of shares;

15 The payment of subscriptions and the means of enforcing payment of calls;

The forfeiture of shares for nonpayment of calls;

The remedies of the creditors of the Company against the shareholders;

The consolidation of shares into stock;

20 The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

The borrowing of money by the Company on mortgage or bond;

The giving of notices, and the provisions for affording access to the Special Act;

25 And Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital), and Part III. (relating to debenture stock) of "The Companies Clauses Act, 1863," "The Companies Clauses Act, 1869," "The Gas Works Clauses Act, 1847," and "The Gas Works Clauses Act, 1871," are, except where expressly varied by this Order, incorporated with and

30 form part of this Order. For the purposes of such incorporation, the term "special Act" in the said Acts shall be construed to mean this Order.

4. The Blackburn Gas Light Company, incorporated by the Act of 1853, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Undertakers.

35 *Additional Capital.*

5. In addition to the capital already authorised to be raised by the Undertakers, they may from time to time—

Additional capital.

[228.]

A. 2.

- A.D. 1875.
Blackburn.
1. Raise any further sum not exceeding in the whole one hundred and twenty thousand pounds, by the issue of new ordinary or preference shares, but not less than the full nominal amount of any such share shall be payable or paid in respect thereof; and
 2. Borrow on mortgage, in respect of the additional capital of one hundred and twenty thousand pounds by this Order authorised to be raised by ordinary or preference shares, any sum not exceeding in the whole thirty thousand pounds; and the Undertakers may, as each sum of thirty thousand pounds of such additional capital has been issued and accepted and one half of the amount of each such sum has been paid up, borrow on mortgage, in respect of each such sum of thirty thousand pounds, any sum or sums not exceeding in the whole seven thousand five hundred pounds; but in no case shall any part of the said respective sums be borrowed until the Undertakers shall have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that the whole of such capital in respect of which such borrowing powers are sought to be exercised has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued *bonâ fide*, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Undertakers, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.
 6. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.
 7. The proprietors of any shares or stock to be created and issued under the authority of this Order shall be entitled to such number of votes in respect thereof as the nominal amount represented by such shares or stock would have entitled them to if the same had been original shares or stock of the Undertakers; and the proprietors of such new shares or stock shall, except as in this Order specially provided, be entitled to the same dividends and the same rights and privileges in all respects, and be subject to the same obligations and liabilities, as the proprietors of the original shares or stock of the Undertakers.
 8. Every mortgage granted by the Undertakers under the authority of the recited Acts respectively shall have priority over all mortgages and debenture stock granted and issued under this Order.
- Calls.
- Votes of proprietors.
- Priority of existing mortgages.

9. The Undertakers may create and issue debenture stock instead of and to the same amount as the whole or any part of the money borrowed or authorised to be borrowed on mortgage by this Order.

Blackburn.
Power to
create debenture
stock.

10. The Undertakers shall not in any year make out of their profits any larger dividend on the additional share capital by this Order authorised to be raised than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid of such capital, or of any part thereof, as shall be issued as preference capital.

Limits of dividend on additional capital.

11. All moneys raised under this Order shall be applied to the purposes of the undertaking authorised by the recited Acts.

Application of money.

12. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

Costs of Order.

15 BRIGHTON AND HOVE GAS.

*Brighton
and Hove.*

Order empowering the Brighton and Hove General Gas Company to raise Additional Capital.

1. This Order may be cited as "The Brighton and Hove Gas Order, 1875."

Short title.

2. The Brighton and Hove Gas Act, 1839, (in this Order referred to as the Act of 1839,) The Brighton and Hove Gas Act, 1843, The Brighton and Hove Gas Act, 1854, The Brighton and Hove General Gas Company's Act, 1866, The Brighton and Hove General Gas Company's Act, 1870, and The Brighton and Hove Gas Act, 1873, (all of which Acts are in this Order referred to as the Acts of 1839-1873,) and this Order shall be construed together, except so far as such construction would be inconsistent with or repugnant to the provisions of this Order.

Construction of Order.

3. So far as the same relate to the powers conferred by this Order, the provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the several matters following; (that is to say,)

Incorporation of Acts.

The distribution of the capital hereby authorised into shares;

The transfer or transmission of shares;

The payment of subscriptions, and the means of enforcing payment of calls;

The forfeiture of shares for nonpayment of calls;

4. The remedies of the creditors of the Company against the shareholders;

The consolidation of shares into stock;

The general meetings of the Company, and the exercise of the right of voting by the shareholders;

The making of dividends;

5. The borrowing of money by the Company on mortgage or bond;

The giving of notices, and the provisions for affording access to the special Act;

A.D. 1875. and Part 1 (relating to cancellation and surrender of shares), and Part 2 (relating to additional capital), and Part 3 (relating to debenture stock) of "The Companies Clauses Act, 1863," and "The Companies Clauses Act, 1869," are, except where expressly varied by this Order, incorporated with and form part of this Order. 5

*Brighton
and Hove.*

For the purpose of such incorporation, the term "special Act" in the said Acts shall be construed to mean this Order.

Undertakers.

4. The Brighton and Hove General Gas Company, incorporated by the Act of 1839, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers." 10

Additional Capital.

Additional
capital.

5. In addition to the capital already authorised to be raised by the Undertakers, they may from time to time—

1. Raise any further sum not exceeding in the whole fifty thousand pounds, by the issue of new ordinary or preference shares, but not less than the full nominal amount of any such share shall be payable or paid in respect thereof; and 15
2. Borrow on mortgage, in respect of the additional capital of fifty thousand pounds by this Order authorised to be raised by ordinary or preference shares, any sum not exceeding in the whole twelve thousand five hundred pounds; and the Undertakers may, as each sum of twelve thousand five hundred pounds of such additional capital has been issued and accepted and one half of the amount of each such sum has been paid up, borrow on mortgage in respect of each such sum of twelve thousand five hundred pounds any sum or sums not exceeding in the whole three thousand one hundred and twenty-five pounds; but in no case shall any part of the said respective sums be borrowed until the Undertakers shall have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that the whole of such capital in respect of which such borrowing powers are sought to be exercised has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Undertakers, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof. 25 30 35 40

Calls.

6. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and 45

A.D. 1875.

*Brighton
and Hove.*

Votes of pro-
priators.

three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

7. The proprietors of any shares or stock to be created and issued under the authority of this Order shall be entitled to such number of votes in respect
5 thereof as the nominal amount represented by such shares or stock would have entitled them to if the same had been original shares or stock of the Undertakers; and the proprietors of such new shares or stock shall, except as in this Order specially provided, be entitled to the same dividends and the same rights and privileges in all respects, and be subject to the same obligations and
10 liabilities, as the proprietors of the original shares or stock of the Undertakers.

8. Every mortgage granted by the Undertakers under the authority of the Acts of 1839-1873 or any of them shall have priority over all mortgages and debenture stock granted and issued under this Order.

Priority of
existing mort-
gages.

9. The Undertakers may create and issue debenture stock instead of and
15 to the same amount as the whole or any part of the money borrowed or authorised to be borrowed on mortgage by this Order.

Power to create
debenture
stock.

10. The Undertakers shall not in any year make out of their profits any larger dividend on the additional share capital by this Order authorised to be raised than seven pounds in respect of every one hundred pounds actually
20 paid up of such capital as shall be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid of such capital, or of any part thereof, as shall be issued as preference capital.

Limits of
dividend on
additional
capital.

11. All moneys raised under this Order shall be applied to the purposes of the undertakings authorised by the Acts of 1839-1873 or any of them.

Application
of money.

25 12. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

Costs of Order.

LITTLEHAMPTON GAS.

Littlehampton.

30 *Order empowering the Littlehampton Gas Company, Limited, to maintain and continue Gasworks and to manufacture and supply Gas in the town of Littlehampton and its vicinity, in the county of Sussex.*

1. This Order may be cited as "The Littlehampton Gas Order, 1875."

Short title.

35 2. The provisions of "The Lands Clauses Acts" (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry on lands by the Promoters of the undertaking), of "The Gasworks Clauses Act, 1847," and of "The Gasworks Clauses Act, 1871," are hereby incorporated with this Order, except where the same are expressly varied by this Order; and the said provisions of the said Gasworks Clauses
40 Acts shall apply as well to the mains, pipes, and works of the Undertakers

Incorporation
of Acts.

A.D. 1875. laid down or constructed before the passing of the Act confirming this Order, and situate within the limits of supply as defined by this Order, as to any mains, pipes, or works which may be laid down or constructed under the authority of this Order.

Littlehampton.

Interpretation. 3. The several words and expressions to which by the Acts in whole or in part incorporated with this Order, and by "The Gas and Water Works Facilities Act, 1870," meanings are assigned, have in this Order the same respective meanings.

Limits of Order.

4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the town of Littlehampton and the parishes of Ford and Clymping, in the county of Sussex.

Undertakers.

The Undertakers.

5. The Littlehampton Gas Company, Limited, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Capital.

6. The share capital of the Undertakers shall for the purposes of their gas undertaking consist of the original share capital, amounting to five thousand and three hundred pounds, already raised by the Undertakers, and of additional share capital not exceeding one thousand and seven hundred pounds, and the original and additional share capital of the Undertakers shall not for such purposes exceed seven thousand pounds, unless the Undertakers shall be authorised to raise additional share capital by Provisional Order under "The Gas and Water Works Facilities Act, 1870," or by Act of Parliament.

Limits of dividend on additional capital.

7. The Undertakers shall not in any year make out of their profits any larger dividend on the said additional share capital than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital.

Undertakers may acquire easements, &c. by agreement.

8. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may, if they think fit, subject to the provisions of the said Acts, grant to the Undertakers any easement, right, or privilege, not being an easement of water, in, over, or affecting any such lands; and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants, or to such easements, rights, or privileges as aforesaid.

Maintenance and Continuance of Gasworks, Manufacture and Sale of Gas, Coke, and Residual Products.

Undertakers may maintain and continue gasworks on lands described in schedule, and may make and sell gas, &c.

9. The Undertakers on the lands shown on the map deposited for the purposes of this Order, and described in the schedule to this Order annexed, may maintain and continue, and from time to time alter and enlarge, retorts, gas-holders, receivers, purifiers, meters, apparatus, and works for the manufacture and storing of gas, and of coke and other residual products obtained in the manufacture of gas, and matters producible therefrom; and they may,

subject to the provisions of this Order, make gas, and supply and sell the same within the limits of supply, and may manufacture coal tar, coke, and ammoniacal liquor, and may sell and dispose of the same at the works and elsewhere. A.D. 1875.
Littlehampton.

10. If any difference arise between the Undertakers and any railway, canal, or other company whose lands or works the Undertakers have power to cross, under the authority of this Order, for the purposes of meeting the demands for gas within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging their pipes, or the facilities to be afforded for the same, the same shall be settled by an engineer to be appointed by the Board of Trade, at the request of either party. Differences with railway and other companies.

Quality of Gas.

11. The quality of gas supplied by the Undertakers shall, with respect to its illuminating power, be such as to produce a light equal in intensity to the light produced by fourteen sperm candles, and shall in all respects be in accordance with the provisions of "The Gasworks Clauses Act, 1871." Quality of gas.

Price of Gas.

12. The price to be charged by the Undertakers for gas supplied by them to consumers shall not exceed six shillings per one thousand cubic feet. Price of gas.

Pressure of Gas.

13. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six tenths of an inch in height, and to balance from sunset to midnight a column of water not less than eight tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer. Pressure of gas.

Testing of Gas.

14. The Undertakers shall, within six months after the passing of the Act confirming this Order, cause to be provided at their works a testing place, with apparatus therein, according to the provisions of "The Gasworks Clauses Act, 1871;" and the burner to be used for testing the gas shall be a Sugg's "London" argand No. 1, with a 6-inch by 1½-inch glass chimney, and if at any time the gas flame tails over the top of the glass a 6-inch by 2-inch chimney shall be used; and any gas examiner appointed under the Gasworks Clauses Act, 1871, for the purposes of this Order, may from time to time, subject to the terms of his appointment, at such testing place or elsewhere, as and when he thinks fit, test the pressure at which the gas is supplied, and for that purpose may open any street, road, passage, or place vested in or under the control of any local or road authority. Test meter.

Miscellaneous.

15. No penalty shall be incurred by the Undertakers for insufficiency of pressure, defect of illuminating power, or for excess of impurity in the gas [228.] No penalty in case of unavoidable cause.

A.D. 1875. supplied by them in any case in respect of which it is proved that such insufficiency, defect, or excess was caused by an unavoidable cause or accident.

Littlehampton.
Undertakers
to pay interest
on deposit.

16. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of all moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter, the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands. 5

8 Vict. c. 16.
s. 140. incor-
porated.

17. Section 140 of the Companies Clauses Consolidation Act, 1845, shall be and is hereby incorporated with this Order; provided that, for the purpose of such incorporation, the expression "the company" in the said section shall be construed to mean the Undertakers. 10

Saving of
existing
contracts.

18. Nothing in this Order contained shall alter, vary, or affect any contract or agreement duly made or any liability incurred before the passing of the Act confirming this Order with respect to the gasworks of or the supply of gas by the Undertakers. 15

Costs of Order.

19. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

SCHEDULE.

20

Land occupied by the Littlehampton Gas Company (Limited) and their gasworks, and other apparatus and buildings and lands used in connexion therewith, situated in the parish of Littlehampton, in the county of Sussex, bounded on the north and east by land belonging to His Grace the Duke of Norfolk, on the south by an occupation road, and on the west by the Pier Road. 25

NORTH BIERLEY GAS.

North Bierley.

Order empowering the North Bierley Gas Company to raise Additional Capital.

Short title.

1. This Order may be cited as "The North Bierley Gas Order, 1875." 30

Incorporation
of Acts.

2. So far as the same relate to the powers conferred by this Order, the provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the several matters following; (that is to say,)

The distribution of the capital hereby authorised into shares;

The transfer or transmission of shares;

The payment of subscriptions, and the means of enforcing payment of calls;

The forfeiture of shares for nonpayment of calls; 35

The remedies of the creditors of the Company against the shareholders;

A.D. 1875.

The consolidation of shares into stock;

North Bierley.

The general meetings of the Company, and the exercise of the right of voting by the shareholders;

5 The making of dividends;

The borrowing of money by the Company on mortgage or bond;

The giving of notices, and the provisions for affording access to the special Act;

10 and Part 1 (relating to cancellation and surrender of shares), and Part 2 (relating to additional capital), and Part 3 (relating to debenture stock) of "The Companies Clauses Act, 1863," and "The Companies Clauses Act, 1869," are, except where expressly varied by this Order, incorporated with and form part of this Order.

15 For the purpose of such incorporation the term "special Act" in the said Acts shall be construed to mean this Order.

3. "The North Bierley Gas Act, 1863," (in this Order referred to as "the Act of 1863,") shall be construed as if The Gasworks Clauses Act, 1871, were incorporated therewith, and the same and this Order shall be construed together: Provided always, that when any of the provisions of this Order or of The 20 Gasworks Clauses Act, 1871, are inconsistent with the provisions of the Act of 1863, the provisions of this Order and of The Gasworks Clauses Act, 1871, shall be read and construed and have effect as controlling or superseding the inconsistent provisions of the Act of 1863.

North Bierley Gas Act, 1863, and this Order to be construed together.

4. The North Bierley Gas Company, incorporated by the Act of 1863, shall 25 be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Undertakers.

Additional Capital.

5. In addition to the capital already authorised to be raised by the Undertakers, they may from time to time—

Additional capital.

30 1. Raise any further sum not exceeding in the whole thirty-five thousand pounds, by the issue of new ordinary or preference shares or stock, but not less than the full nominal amount of any such share or stock shall be payable or paid in respect thereof; and

35 2. Borrow on mortgage, in respect of the additional capital of thirty-five thousand pounds by this Order authorised to be raised by ordinary or preference shares or stock, any sum not exceeding in the whole eight thousand seven hundred and fifty pounds; and the Undertakers may, as each sum of eight thousand seven hundred and fifty pounds of such additional capital has been issued and accepted, and one half of the 40 amount of each such sum has been paid up, borrow on mortgage, in respect of each such sum of eight thousand seven hundred and fifty pounds, any sum or sums not exceeding in the whole two thousand one hundred and eighty-seven pounds and ten shillings; but in no case shall any part of the said respective sums be borrowed until shares for so 45 much of such capital in respect of which such borrowing powers are

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B 2

A.D. 1875.

North Bierley.

sought to be exercised as is to be raised by means of shares are issued and accepted, and one half of such capital is paid up, and the Undertakers have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that shares for the whole of such capital have been issued and 5 accepted, and that one half of such capital has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully 10 paid up, and the Undertakers have proved to such justice as aforesaid, before he so certifies, that such shares or stock, as the case may be, were issued and accepted bonâ fide and are held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and also, if the said capital is raised by shares, 15 that such persons or corporations, or their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Undertakers, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof. 20

Calls.

6. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Votes of proprietors.

7. The proprietors of any shares or stock to be created and issued under 25 the authority of this Order shall be entitled to such number of votes in respect thereof as the nominal amount represented by such shares or stock would have entitled them to if the same had been original shares or stock of the Undertakers; and the proprietors of such new shares or stock shall, except as in this Order specially provided, be entitled to the same dividends and the same rights 30 and privileges in all respects, and be subject to the same obligations and liabilities, as the proprietors of the original shares or stock of the Undertakers.

Priority of existing mortgages.

8. Every mortgage granted by the Undertakers under the authority of the Act of 1863 shall have priority over all mortgages and debenture stock granted and issued under this Order. 35

Power to create debenture stock.

9. The Undertakers may create and issue debenture stock instead of and to the same amount as the whole or any part of the money borrowed or authorised to be borrowed on mortgage by this Order.

Limits of dividend on additional capital.

10. The Undertakers shall not in any year make out of their profits any larger dividend on the additional capital by this Order authorised to be raised 40 by shares or stock than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as preference capital.

11. All moneys raised under this Order shall be applied to the purposes of the undertaking authorised by the Act of 1863.

North Bierley.
Application
of money.

Quality of Gas.

12. The quality of gas supplied by the Undertakers shall, with respect to its illuminating power, be such as to produce a light equal in intensity to the light produced by fourteen sperm candles, and shall in all respects be in accordance with the provisions of "The Gasworks Clauses Act, 1871."

Quality of gas.

Pressure of Gas.

13. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six tenths of an inch in height, and to balance from sunset to midnight a column of water not less than eight tenths of an inch in height, at the main as near as may be to the junction therewith of the service pipe supplying each consumer.

Pressure of
gas.

Testing of Gas.

14. The Undertakers shall, within six months after the passing of the Act confirming this Order, cause to be provided at their works a testing place, with apparatus therein, according to the provisions of The Gasworks Clauses Act, 1871, and the burner to be used for testing the gas shall be a "Sugg's London Argand, No. 1," with a 6-inch by 1½-inch glass chimney; and if at any time the gas flame tails over the top of the glass a 6-inch by 2-inch chimney shall be used; and any gas examiner appointed under The Gasworks Clauses Act, 1871, for the purposes of this Order, may from time to time, subject to the terms of his appointment, at such testing place or elsewhere, as and when he thinks fit, test the pressure at which the gas is supplied by the Undertakers, and for that purpose may open any street, road, passage, or place vested in or under the control of any local or road authority.

Test meter to
be erected.

Miscellaneous.

15. No penalty shall be incurred by the Undertakers for insufficiency of pressure, defect of illuminating power, or for excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency, defect, or excess was caused by an unavoidable cause or accident.

No penalty
in case of un-
avoidable
cause.

16. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of all moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter, the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Undertakers
to pay interest
on deposit.

A.D. 1875.

North Bierley.
Saving of ex-
isting contracts.

Costs of Order.

17. Nothing in this Order contained shall alter, vary, or affect any contract or agreement duly made, or any liability incurred before the passing of the Act confirming this Order, by the North Bierley Gas Company.

18. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, or otherwise incurred in relation thereto, shall be paid by the Undertakers. 5

Weymouth.

WEYMOUTH CONSUMERS GAS.

Order empowering the Weymouth Consumers Gas Company to raise Additional Capital.

Short title.

1. This Order may be cited as "The Weymouth Consumers Gas Order, 1875." 10

Construction of
Order.

2. The Weymouth Consumers Gas Act, 1867 (in this Order referred to as the Act of 1867), and this Order shall be construed together, except so far as such construction would be inconsistent with or repugnant to the provisions of this Order. 15

Incorporation
of Acts.

3. So far as the same relate to the powers conferred by this Order, the provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the several matters following; (that is to say,) 20

The distribution of the capital hereby authorised into shares ;

The transfer or transmission of shares ;

The payment of subscriptions, and the means of enforcing payment of calls ;

The forfeiture of shares for nonpayment of calls ;

The remedies of the creditors of the Company against the shareholders ;

The consolidation of shares into stock ;

The general meetings of the Company, and the exercise of the right of voting by the shareholders ; 25

The making of dividends ;

The borrowing of money by the Company on mortgage or bond ;

The giving of notices, and the provisions for affording access to the special Act ; 30

and Part 1 (relating to cancellation and surrender of shares), and Part 2 (relating to additional capital), and Part 3 (relating to debenture stock) of "The Companies Clauses Act, 1863," "The Companies Clauses Act, 1869," and "The Gasworks Clauses Act, 1847," and "The Gasworks Clauses Act, 1871," are, except where expressly varied by this Order, incorporated with and form part of this Order. 35

For the purpose of such incorporation, the term "special Act" in the said Acts shall be construed to mean this Order.

4. The Weymouth Consumers Gas Company, incorporated by the Act of 1867, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers." *Weymouth.* Undertakers.

Additional Capital.

5 5. In addition to the capital already authorised to be raised by the Undertakers they may from time to time— *Additional capital.*

10 1. Raise any further sum not exceeding in the whole ten thousand pounds, by the issue of new ordinary or preference shares, but not less than the full nominal amount of any such share shall be payable or paid in respect thereof; and

15 2. Borrow on mortgage in respect of the additional capital of ten thousand pounds by this Order authorised to be raised by ordinary or preference shares, any sum not exceeding in the whole two thousand five hundred pounds; and the Undertakers may, as each sum of two thousand five hundred pounds of such additional capital has been issued and accepted and one half of the amount of each such sum has been paid up, borrow on mortgage in respect of each such sum of two thousand five hundred pounds any sum or sums not exceeding in the whole six hundred and fifty pounds; but in no case shall any part of the said respective sums be borrowed until the Undertakers shall have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that the whole of such capital in respect of which such borrowing powers are sought to be exercised has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Undertakers, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

30 6. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share. *Calls.*

40 7. The proprietors of any shares or stock to be created and issued under the authority of this Order shall be entitled to such number of votes in respect thereof as the nominal amount represented by such shares or stock would have entitled them to if the same had been original shares or stock of the Undertakers; and the proprietors of such new shares or stock shall, except as in this *Votes of proprietors.*

A.D. 1875. Order specially provided, be entitled to the same dividends and the same rights and privileges in all respects, and be subject to the same obligations and liabilities, as the proprietors of the original shares or stock of the Undertakers.

Weymouth.

Priority of existing mortgages.

8. Every mortgage granted by the Undertakers under the authority of the Act of 1867 shall have priority over all mortgages and debenture stock granted 5 and issued under this Order.

Power to create debenture stock.

9. The Undertakers may create and issue debenture stock instead of and to the same amount as the whole or any part of the money borrowed or authorised to be borrowed on mortgage by this Order.

Limits of dividend on additional capital.

10. The Undertakers shall not in any year make out of their profits any 10 larger dividend on the additional share capital by this Order authorised to be raised than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid of such capital, or of any part thereof, as shall be issued as preference capital. 15

Application of money.

11. All moneys raised under this Order shall be applied to the purposes of the undertaking authorised by the Act of 1867.

Costs of Order.

12. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers. 20

Wolver-
hampton.

WOLVERHAMPTON GAS.

Order empowering the Wolverhampton Gas Company to raise Additional Capital.

Short title.

1. This Order may be cited as "The Wolverhampton Gas Order, 1875."

Construction of Order.

2. The Wolverhampton Gas Act, 1852, (in this Order referred to as "the 25 Act of 1852;") shall be construed as if the Gasworks Clauses Act, 1871, were incorporated therewith, and the same and this Order shall be construed together: Provided always, that where any of the provisions of this Order or of the Gasworks Clauses Act, 1871, are inconsistent with the provisions of the Act of 1852, the provisions of this Order and of the Gasworks Clauses Act, 1871, 30 shall be read and construed and have effect as controlling or superseding the inconsistent provisions of the Act of 1852.

Incorporation of Acts.

3. So far as the same relate to the powers conferred by this Order, the provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the several matters following; (that is to say,) 35

The distribution of the capital hereby authorised into shares;

The transfer or transmission of shares;

The payment of subscriptions, and the means of enforcing payment of calls;

The forfeiture of shares for nonpayment of calls;

A.D. 1875.

Wolver-
hampton.

- The remedies of the creditors of the Company against the shareholders ;
 The consolidation of shares into stock ;
 The general meetings of the Company, and the exercise of the right of voting
 by the shareholders ;
 5 The making of dividends ;
 The borrowing of money by the Company on mortgage or bond ;
 The giving of notices, and the provisions for affording access to the special
 Act ;
 and Part 1 (relating to cancellation and surrender of shares), and Part 2 (relating
 10 to additional capital), and Part 3 (relating to debenture stock) of "The Com-
 panies Clauses Act, 1863," and "The Companies Clauses Act, 1869," are,
 except where expressly varied by this Order, incorporated with and form part
 of this Order.

- For the purpose of such incorporation the term "special Act" in the said
 15 Acts shall be construed to mean this Order.

4. The Wolverhampton Gas Company, incorporated by the Act of 1852, Undertakers.
 shall be the Undertakers for the purposes of this Order, and are in this Order
 referred to as "the Undertakers."

Additional Capital.

- 20 5. In addition to the capital already authorised to be raised by the Under- Additional
 takers, they may from time to time— capital.
1. Raise any further sum not exceeding in the whole forty-nine thousand
 four hundred and eighty pounds by the issue of new ordinary or preference
 shares, but not less than the full nominal amount of any such share shall
 25 be payable or paid in respect thereof ; and
 2. Borrow on mortgage in respect of the additional capital of forty-nine
 thousand four hundred and eighty pounds by this Order authorised to be
 raised by ordinary or preference shares any sum not exceeding in the whole
 twelve thousand three hundred and seventy pounds ; and the Undertakers
 30 may, as each sum of twelve thousand three hundred and seventy pounds
 of such additional capital has been issued and accepted, and one half of the
 amount of each such sum has been paid up, borrow on mortgage in respect of
 each such sum of twelve thousand three hundred and seventy pounds any
 sum or sums not exceeding in the whole three thousand and ninety-two
 35 pounds ten shillings ; but in no case shall any part of the said respective
 sums be borrowed until the Undertakers shall have proved to the justice
 who is to certify under the 40th section of the Companies Clauses Con-
 solidation Act, 1845, before he so certifies, that the whole of such capital
 in respect of which such borrowing powers are sought to be exercised has
 40 been issued and accepted, and that one half thereof has been paid up, and
 that not less than one fifth part of the amount of each separate share in
 such capital has been paid on account thereof before or at the time of the
 issue or acceptance thereof, and that such capital was issued bonâ fide, and
 is held by the persons or corporations to whom the same was issued, or
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Wolver-
hampton.

their executors, administrators, successors, or assigns; and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Undertakers, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been 5 given, which shall be sufficient evidence thereof.

Calls.

6. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share. 10

Votes of pro-
priators.

7. The proprietors of any shares or stock to be created and issued under the authority of this Order shall be entitled to such number of votes in respect thereof as the nominal amount represented by such shares or stock would have entitled them to if the same had been original shares or stock of the Undertakers; and the proprietors of such new shares or stock shall, except as in this 15 Order specially provided, be entitled to the same dividends and the same rights and privileges in all respects, and be subject to the same obligations and liabilities, as the proprietors of the original shares or stock of the Undertakers.

Priority of
existing mort-
gages.

8. Every mortgage granted by the Undertakers under the authority of the Act of 1852 shall have priority over all mortgages and debenture stock granted 20 and issued under this Order.

Power to create
debenture
stock.

9. The Undertakers may create and issue debenture stock instead of and to the same amount as the whole or any part of the money borrowed or authorised to be borrowed on mortgage by this Order.

Limits of
dividend on
additional
capital.

10. The Undertakers shall not in any year make out of their profits any 25 larger dividend on the additional share capital by this Order authorised to be raised than six pounds in respect of every one hundred pounds actually paid of such capital.

Application
of money.

11. All moneys raised under this Order shall be applied to the purposes of the undertaking authorised by the Act of 1852. 30

Saving agree-
ment made
with corpora-
tion of Wolver-
hampton,
subject to the
35th section of
the Gasworks
Clauses Act,
1871.

12. The provisions of this Order and of the Acts incorporated herewith (except section thirty-five of the Gasworks Clauses Act, 1871,) shall not be applicable to nor shall they vary or affect a certain agreement made the ninth day of September 1874, between the Undertakers and the mayor, aldermen, and burgesses of the borough of Wolverhampton. 35

Costs of Order.

13. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

A.D. 1875.

BOGNOR WATER.

Bognor.

Order empowering the Bognor Water Company, Limited, to construct Waterworks and to supply Water in the town of Bognor and its vicinity, in the county of Sussex.

- 5 1. This Order may be cited as "The Bognor Water Order, 1875." Short title.
2. The provisions of "The Lands Clauses Acts" (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry on lands by the Promoters of the undertaking), and "The Waterworks Clauses Acts, 1847 and 1863," are hereby incorporated with this Order, Incorporation of Acts.
- 10 except where the same are expressly varied by this Order.
3. The several words and expressions to which by the Acts in whole or in part incorporated with this Order, and by "The Gas and Water Works Facilities Act, 1870," meanings are assigned have in this Order the same respective meanings : Interpretation.
- 15 Provided always, that the expression "superior court" or "court of competent jurisdiction" in any Act wholly or partially incorporated with this Order shall be read and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt, and not a debt or demand created by statute :
- 20 The term "premises" in this Order shall mean and include any house, building, or land in, to, or through which water is supplied under the authority of this Order.
4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply,") shall be the Limits of Order.
- 25 town of Bognor and the parishes of South Bersted and Felpham, in the county of Sussex.

Undertakers.

5. The Bognor Water Company, Limited, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers." Undertakers.
- 30 6. The share capital of the Undertakers shall not exceed ten thousand pounds, unless the Undertakers shall be authorised to raise additional share capital by Provisional Order under "The Gas and Water Works Facilities Act, 1870," or by Act of Parliament. Capital.
7. The Undertakers may, by agreement, purchase and use such of the lands delineated on the plans deposited for the purposes of this Order as may be required for the undertaking authorised by this Order. Undertakers may purchase lands by agreement.
- 35 8. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may, if they think fit, subject to the provisions of the said Acts, grant to the Undertakers any easement, right, or privilege, not being an easement of

A.D. 1875. water in, over, or affecting any such lands; and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants, or to such easements, rights, or privileges as aforesaid.

Bognor.

Undertakers to hold limited quantity of land only.

9. The Undertakers shall not hold more than three acres of land.

5

Construction of Waterworks.

Power to construct water-works and supply water.

10. The Undertakers may, on lands acquired by them under the authority of this Order, make and maintain in the line and according to the levels shown on the plans and sections deposited for the purposes of this Order (in this Order referred to as the deposited plans and sections), the works herein-after described, with all needful pipes, culverts, cuts, drains, sluices, engines, pumps, filtering beds, weirs, meters, and other works connected therewith, and they may, subject to the provisions of this Order, supply and sell water within the limits of supply.

10

The works authorised by this Order are as follows:

1. A well or shaft, water tower, service tank, and pumping station, with pumping engine, engine, and boiler-house, and other works, buildings, and conveniences, on a piece of land bounded on the west by the London Road, on the east by land belonging to the trustees of the late Sarah Smith, and distant about thirty yards southward of the place where the Station Road joins London Road: 15
2. A main pipe or aqueduct commencing at the water tower and service tank before described, passing from thence into London Road, and in a southerly direction along or under that road, and along or under Dorset Gardens, and terminating at a point in High Street, in Bognor, opposite the southern end of Dorset Gardens: 20
3. A main pipe or aqueduct commencing at the water tower and service tank before described, passing from thence into London Road, and along or under the road in a northerly direction to the north end of Richmond Road, and thence in an easterly and south-easterly direction along the high road in Upper Bognor, and terminating therein at a point opposite Dome House: 25
4. All needful pipes and other works for the distribution and supply of water within the before-named parishes and places. 30

Limits of deviation.

11. In constructing the works authorised by this Order the Undertakers may deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans, and the Undertakers may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards or seven feet downwards. 35

Period for completion of works.

12. The works authorised by this Order shall be commenced, constructed, and completed within the time and subject to the conditions prescribed by section eleven of the Gas and Water Works Facilities Act, 1870: Provided always that, subject to the restrictions and provisions of this Order, the Undertakers may from time to time alter, enlarge, and extend their engines, machinery, tanks, wells, pipes, reservoirs, and other works, in such way and 40

manner as may be requisite or advisable for supplying water within the limits of supply. A.D. 1875.

Bognor.

As to pipes crossing the works of a railway or other company.

13. If any difference arises between the Undertakers and any railway, canal, or other company whose land or works the Undertakers have power to cross under the authority of this Order, for the purposes of meeting the demands for water within the limits of supply as to the mode of laying down, repairing, altering, or enlarging their conduits or pipes, or the facilities to be afforded for the same, the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

10

Quality of Water.

14. The water supplied by the Undertakers shall be as pure as, having regard to the source and nature of supply, circumstances will admit; and the same shall be effectually filtered if at any time the Board of Trade shall, on the representation of the local board or any twenty consumers of water supplied by the Undertakers that such filtration is necessary, so order.

Quality of water.

Supply.

15. The water supplied by the Undertakers need not at any time be delivered at a greater height than can be reached by gravitation from the service tank or works authorised by this Order.

Limits of pressure.

16. The Undertakers shall, at the request of the owner or occupier of any dwelling-house, or part of a dwelling-house, entitled under the provisions of this Order to demand a supply of water for domestic purposes (which shall include one watercloset), furnish to such owner or occupier a sufficient supply of water for such domestic purposes, at rates not exceeding the rates herein-after specified; (that is to say,)

Rates for supply for domestic purposes.

Where the annual rackrent or value of the premises so supplied with water does not exceed five pounds per annum, at a rate not exceeding twopence per week:

Where such rent or value is above five pounds and does not exceed twenty pounds per annum, at a rate per centum per annum not exceeding seven pounds:

Where such rent or value is above twenty pounds, at a rate per centum per annum not exceeding six pounds.

17. The Undertakers may charge in respect of every watercloset beyond the first in any premises within the limits of supply an additional sum not exceeding five shillings per annum, and for every bath an additional sum not exceeding ten shillings per annum, and such additional sums may be received with, and as part of, or recovered by the same means as, the rate for the supply of water for domestic purposes: Provided always, that for baths containing as usually filled for use a greater quantity of water than fifty gallons the Undertakers may charge an increased rate in proportion to the size of such baths.

Rates for waterclosets and baths.

18. Subject to the provisions of this Order, the Undertakers may from time to time make and enforce such reasonable regulations as they may find expedient for preventing the waste or misuse of water, and, among other things, may

Power for Undertakers to make regulations for preventing waste of water.

A.D. 1875. prescribe the pipes, cocks, cisterns, and other apparatus proper and suitable for the purposes of supply.

Bognor.

Power for Undertakers to refuse supply where regulations not complied with.

19. In the event of any such regulations not being observed by any person having or requiring a supply of water, the Undertakers may refuse to supply water, or may cut off the water supplied to him, unless and until the regulations be complied with; and if and whenever any difference shall arise as to whether the regulations are reasonable, or have been complied with, the difference may be referred by either party to and shall be settled by two justices.

Water supplied by agreement.

20. The Undertakers may from time to time supply any person, corporation, or company with water for other than domestic purposes for such remuneration and upon such terms and conditions as shall be agreed upon between the Undertakers and such person, corporation, or company; but notwithstanding any such agreement no person, corporation, or company shall be entitled to such a supply whenever and as long as the Undertakers are of opinion that the same would interfere with the proper supply of water for domestic purposes under this Order; and every such agreement shall be, by virtue of this Order, determinable by the Undertakers on one month's notice in writing.

Supply of water by meter.

21. The Undertakers may, if they think fit, enter into agreements for the supply of water by measure to any consumer, and may charge a rent for each meter provided by them at a rate per annum not exceeding fifteen per cent. of the price of the meter, such rent to be paid quarterly in advance, and to be recoverable in all respects with and as the water rate.

Undertakers to keep meters in repair.

22. The Undertakers shall at all times, at their own expense, keep all meters or other instruments for measuring water let by them for hire to any consumer in proper order for correctly registering the supply of water; and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall for the purposes aforesaid have access to and be at liberty to remove, test, inspect, and replace any such meter or other instrument at all reasonable times.

Register of meters to be evidence.

23. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be *primâ facie* evidence of the quantity of water consumed and in respect of which any water rent is charged and sought to be recovered by the Undertakers: Provided always, that if the Undertakers and the consumer differ as to the quantity consumed, such difference shall be determined, upon the application of either party, by two justices who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of such justices shall be final and binding on all parties.

Amendment of 10 & 11 Vict. c. 17, s. 44.

24. Section forty-four of "The Waterworks Clauses Act, 1847," shall, for the purposes of this Order, have effect as if the words "with the consent in writing of the owner or reputed owner of any such house, or of the agent of such owner," were omitted therefrom: Provided always, that any rent paid by an occupier in pursuance of the provisions of the said section may be deducted by such occupier from any rent from time to time due by him to such owner.

25. When several houses or parts of houses in the occupation of several persons shall be supplied by one common pipe, the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such

A.D. 1875.

Bognor.

When several houses supplied by one pipe, each to pay.

5 several houses or parts of houses had been separately supplied with water from the works of the Undertakers by a distinct pipe: Provided always, that the Undertakers shall not be compelled to supply water to the occupier of any part of a dwelling-house unless the water rate is paid for the whole of such building, house, and premises.

10 26. Where there are several tenements in a row no tenant or occupier of any one of the tenements, nor any person on his behalf, shall take or use the water laid on by the Undertakers to any other such tenement, unless the tenant or occupier be in respect of the tenement so occupied by him rated under this Order for a supply of water.

Supply of water to tenements in a row.

15 *Penalties.*

27. If on any day the water supplied by the Undertakers is of less purity than it ought to be according to the provisions of this Order, the Undertakers shall in every such case be liable to a penalty not exceeding ten pounds: Provided that no penalty shall be incurred in any case in which it is proved that

Impurity of water.

20 the defect in purity was occasioned by an unavoidable cause or accident.

28. Every person who wilfully, fraudulently, or by culpable negligence injures, or suffers to be injured, any meter or fittings belonging to the Undertakers, or who fraudulently alters the index to any meter, or prevents any meter from duly registering the quantity of water supplied, or fraudulently abstracts,

Injuring meters.

25 consumes, or uses water of the Undertakers, shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds, and the Undertakers may in addition thereto recover the amount of any damage by them sustained, and in any case in which any

30 person has wilfully or fraudulently injured or suffered to be injured any pipe, meter, or fittings belonging to the Undertakers, or has fraudulently altered the index to any meter, or prevented any meter from duly registering the quantity of water supplied, the Undertakers may also, until the matter complained of has been remedied, but no longer, discontinue the supply of water to the person so

35 offending (notwithstanding any contract previously existing); and the existence of artificial means for causing such injury, alteration, or prevention, or for abstracting, consuming, or using water of the Undertakers, when such pipe, meter, or fittings is or are under the custody or control of the consumer, shall be *prima facie* evidence that such injury, alteration, prevention, abstraction, or

40 consumption, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such meter.

29. Any tenant or occupier of one or part of one of several houses or tenements supplied by a common pipe who takes or uses the water laid on by the Undertakers to any other such house or tenement, or allows the same to be used

45 contrary to the provisions of this Order, shall for every such offence be liable to a penalty not exceeding five pounds.

Misuser where supply to several houses is by a pipe common to all.

A.D. 1875.

*Miscellaneous.**Bognor.*

Incoming
tenant not
liable to pay
arrears.

30. In case any consumer of water supplied by the Undertakers leave the premises where such water has been supplied to him without paying to them the water rate or meter rent due from him, the Undertakers shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears. 5

Several names
in one sum-
mons.

31. Any summons or warrant issued for any of the purposes of this Order may contain, in the body thereof or in the schedule thereto, several names and several sums. 10

Warrant of
distress to
include costs.

32. Any justice who issues a warrant of distress in pursuance of the provisions of this Order may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money, and such costs shall be ascertained by the justice, and shall be included in the warrant of distress for the recovery of such money. 15

Liability to
water rate
not to dis-
qualify jus-
tices from
acting.

33. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Order by reason of his being liable to the payment of any water rate or other charge under this Order. -

Incorporation
of section 140
of "The Com-
panies Clauses
Act, 1845."

34. Section one hundred and forty of "The Companies Clauses Consolidation Act, 1845," shall be and is hereby incorporated with this Order: Provided that, for the purposes of such incorporation the expression "the Company" in the said section shall mean the Undertakers. 20

Costs of Order.

35. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers. 25

Newington.

NEWINGTON WATER.

Order empowering the Newington Water Company, Limited, to maintain and continue Waterworks and to supply Water in certain parts of the local board districts of Newington and Cottingham, in the county of York. 30

Short title.

1. This Order may be cited as "The Newington Water Order, 1875."

Incorporation
of Acts;
application of
same regarding
existing pipes
and works.

2. The provisions of "The Lands Clauses Acts" (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry on lands by the promoters of the undertaking,) and "The Waterworks Clauses Acts, 1847 and 1863," are hereby incorporated with this Order, except where the same are expressly varied by this Order; and the said provisions of the last-mentioned Acts shall apply as well to the pipes and works of the Undertakers laid down or constructed before the passing of the Act confirming this Order, and situate within the limits of supply as defined by this 40

Order, as to any pipes or works which may be laid down or constructed under the authority of this Order. A.D. 1875.

Newington.

Interpretation.

3. The several words and expressions to which by the Acts in whole or in part incorporated with this Order, and by "The Gas and Water Works Facilities Act, 1870," meanings are assigned, have in this Order the same respective meanings: Provided always, that the expression "superior court" or "court of competent jurisdiction," in any Act wholly or partially incorporated with this Order, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute:

The term "premises" in this Order shall mean and include any house, building, or land in, to, or through which water is supplied under the authority of this Order.

4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be Limits of Order.

The district of the Newington Local Board, except so much of the parish of Hessle as forms part of such district:

And the part of the district of the Cottingham Local Board forming the ecclesiastical district of St. John's, Newland, of which the boundary line commences on the boundary dividing the parish of Holy Trinity, Kingston-upon-Hull, from the parish of Cottingham, at a point in the centre of the Hull and Bridlington branch of the North-eastern Railway being about three and a half chains from the north-west angle of the municipal boundary of North Myton ward, in the said parish of Holy Trinity. From such point it extends west-north-west along the centre of the said railway for a distance of ninety-two chains to a point in the centre of the bridge which carries such branch railway over the "Settling dyke." From thence eastward it takes the centre of such dyke for forty-five chains, and then northward by centre of fence for twelve chains to a point in the centre of the southern end of near Salt Ings Lane. From thence extending northwards along the centre of such lane for forty-three chains, to a point in the centre of the Cottingham branch of the Hull and Beverley Trust road. From thence eastward along the centre of such branch road for thirty-seven chains to centre of bridge over the Cottingham drain, thence in a north-westerly direction along the centre of such drain for seventy chains, crossing Igglemire Lane and Endike Lane, to the junction of the said drain with the drain called Nine Foot drain; from thence north by west along the centre of the said Nine Foot drain, crossing North Carr Lane, for forty-seven chains westward, along centre of said drain for two and a half chains, and north by west for twenty-three chains, to the junction of such drain with Moor Dike; thence westward along the centre of the last-mentioned dike two and a half chains to its junction with Pan Bottom drain; from thence extending along the centre of Pan Bottom drain for fifty-eight chains to its north end, and continues north by an undefined line for about two chains across Dunswell Lane to the junction of the boundary dividing the said parish of Cottingham from a certain detached

- A.D. 1875.
Newington.
- portion of the parish of Skidby. From thence extending eastward along the centre of Dunswell Lane, and thence to the river Hull. From thence along the boundary of the district of Cottingham, namely, the centre of the river Hull, to Stoneferry, and thence along the same boundary by Princess Bank and the Hull Cemetery to the point in the centre of the Hull and Bridlington branch of the North-eastern Railway before mentioned as the starting point of the said boundary line. 5
- Undertakers. 5. The Newington Water Company, Limited, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers." 10
- Capital. 6. The share capital of the Undertakers shall not exceed seventy thousand pounds, unless the Undertakers shall be authorised to raise additional share capital by provisional order under "The Gas and Water Works Facilities Act, 1870," or by Act of Parliament.
- Undertakers may acquire easements, &c. by agreements. 7. Persons empowered by "The Lands Clauses Acts" to sell and convey or release lands may, if they think fit, subject to the provisions of the said Acts, grant to the Undertakers any easement, right, or privilege, not being an easement of water, in, over, or affecting any lands; and the provisions of the said Acts with respect to lands and rentcharges, as far as the same are applicable in this behalf, shall extend and apply to such grants, or to such easements, rights, or privileges as aforesaid. 15 20
- Undertakers to hold limited quantity of land only. 8. The Undertakers shall not hold under the authority of this Order more than five acres of land.
- Maintenance and Continuance of Waterworks.*
- Power to maintain existing works. 9. The Undertakers may, from time to time, as they think fit, maintain, continue, and use their existing waterworks and works connected therewith, with all needful pipes, culverts, cuts, conduits, drains, sluices, engines, pumps, meters, and other works connected therewith, and they may from time to time alter, enlarge, and repair the same, and they may, subject to the provisions of this Order, supply and sell water within the limits of supply. 25 30
- As to pipes crossing any railway. 10. Nothing in this Order contained shall authorise or empower the Undertakers to enter upon, take, or use, or otherwise interfere with any railway or lands of the North-eastern Railway Company without the previous consent of that company in writing under their common seal, and the Undertakers shall pay and make good to the said company any damage or injury that may be sustained by them, and all costs and expenses that they may incur or be put to by or in consequence of or resulting from any works of the undertaking, as well as full compensation for any loss or inconvenience which they may sustain by reason of any interruption which may be occasioned to the traffic on their railway, the same to be recovered with full costs against the Undertakers in any court of competent jurisdiction. 35 40

Quality of Water.

A. D. 1875.

11. The water supplied by the Undertakers shall be as pure as, having regard to the source and nature of supply, circumstances will admit.

Newington.
Quality of
water.

Supply.

- 5 12. The Undertakers shall, at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Order to demand a supply of water for domestic purposes (which shall include one watercloset), furnish to such owner or occupier a sufficient supply of water for such domestic purposes at any rate not exceeding five pounds per cent. per annum on the annual rackrent or value of such premises so supplied with water: Provided, however, that the Undertakers may charge for every water-closet beyond the first a sum not exceeding, in the district of the Newington Local Board five shillings, and in the other district one pound per annum, and for every bath an additional sum not exceeding ten shillings per annum; and 10 provided always, that for baths containing, as usually filled for use, a greater quantity of water than fifty gallons, the Undertakers shall be paid an increased rate in proportion to the size of such baths.

Rates for
supply of
water for
domestic
purposes.

- The Undertakers shall supply all water required by the Newington Local Board or the Cottingham Local Board under section forty-two of the Water- 20 works Clauses Act, 1847," on payment by the board requiring the same of the sum of five pounds per annum, and shall supply all water required under section thirty-seven of the said Act at the price of ninepence for every one thousand gallons.

13. Subject to the provisions of this Order, the Undertakers may from time 25 to time make and enforce such reasonable regulations as they may find expedient for preventing the waste or misuse of water, and, among other things, may prescribe the pipes, cocks, cisterns, and other apparatus proper and suitable for the purposes of supply.

Power for
Undertakers
to make regu-
lations for
preventing
waste of water.

14. In the event of any such regulations not being observed by any person 30 having or requiring a supply of water, the Undertakers may refuse to supply water, or may cut off the water supplied to him, unless and until the regulations be complied with; and if and whenever any difference shall arise as to whether the regulations are reasonable or have been complied with, the difference may be referred by either party to and shall be settled by two justices.

Power for
Undertakers
to refuse
supply where
regulations not
complied with.

15. The Undertakers may from time to time supply any person, corporation, 35 or company with water for other than domestic purposes, for such remuneration and upon such terms and conditions as shall be agreed upon between the Undertakers and the person, corporation, or company desirous of having the supply.

Water supplied
by agreement.

16. The Undertakers may, if they think fit, enter into agreements for the 40 supply of water by measure to any consumer.

Undertakers
may sell by
measure.

17. The Undertakers shall at all times, at their own expense, keep all meters or other instruments for measuring water let by them for hire to any consumer in proper order for correctly registering the supply of water, and in default of

Undertakers
to keep meters
let for hire in
repair.

A.D. 1875. their so doing the consumer shall not be liable to pay rent for the same during
Newington. such time as such default continues. The Undertakers shall, for the purposes
 aforesaid, have access to, and be at liberty to remove, test, inspect, and replace,
 any such meter or other instrument at all reasonable times.

Register of
 water meter,
 &c. to be primâ
 facie evidence.

18. Where water is supplied by measure, the register of the meter or other 5
 instrument for measuring water shall be primâ facie evidence of the quantity of
 water consumed: Provided always, that if the Undertakers and the consumer
 differ as to the quantity consumed, such difference shall be determined, upon
 the application of either party, by two justices, who may also order by which of
 the parties the costs of the proceedings before them shall be paid, and the decision 10
 of such justices shall be final and binding on all parties.

Proviso as to
 consent of
 owner of house.

19. Section forty-four of "The Waterworks Clauses Act, 1847," shall for
 the purposes of this Order have effect as if the words "with the consent in
 "writing of the owner or reputed owner of any such house, or of the agent of
 "such owner," were omitted therefrom: Provided always, that any rent paid 15
 by an occupier in pursuance of the provisions of the said section may be
 deducted by such occupier from any rent from time to time due by him to such
 owner.

Supply of
 water to tene-
 ments in a
 row.

20. Where there are several tenements in a row, no tenant or occupier of any
 one of the tenements, nor any person on his behalf, shall take or use the water 20
 laid on by the Undertakers to any other such tenement, unless the tenant or
 occupier be in respect of the tenement so occupied by him rated under this
 Order for a supply of water.

Penalties.

Penalty for
 impurity of
 water.

21. If on any day the water supplied by the Undertakers is of less purity 25
 than it ought to be, according to the provisions of this Order, the Undertakers
 shall in every such case be liable to a penalty not exceeding ten pounds.

Provided that no penalty shall be incurred in any case in which it is proved
 that the defect in purity was occasioned by an unavoidable cause or accident.

Penalty for
 injuring
 meters, &c.

22. Every person who wilfully, fraudulently, or by culpable negligence 30
 injures or suffers to be injured any meter or fittings belonging to the Under-
 takers, or fraudulently alters the index to any meter, or prevents any meter
 from duly registering the quantity of water supplied, or fraudulently abstracts,
 consumes, or uses water of the Undertakers, shall (without prejudice to any
 other right or remedy for the protection of the Undertakers or the punishment 35
 of the offender) for every such offence forfeit and pay to the Undertakers a sum
 not exceeding five pounds, and the Undertakers may in addition thereto recover
 the amount of any damage by them sustained; and in any case in which any
 person has wilfully or fraudulently injured or suffered to be injured any pipe,
 meter, or fittings belonging to the Undertakers, or has fraudulently altered the 40
 index to any meter, or prevented any meter from duly registering the quantity
 of water supplied, the Undertakers may also, until the matter complained of has
 been remedied, but no longer, discontinue the supply of water to the person so
 offending (notwithstanding any contract previously existing), and the existence

of artificial means for causing such injury, alteration, or prevention, or for abstracting, consuming, or using water of the Undertakers, when such pipe, meter, or fittings is or are under the custody or control of the consumer, shall be *prima facie* evidence that such injury, alteration, prevention, abstraction, or consumption, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such meter.

A.D. 1875.
Newington.

23. Any tenant or occupier of one of several tenements in a row who takes or uses the water laid on by the Undertakers to any other such tenement, or allows the same to be used contrary to the provisions of this Order, shall, for every such offence, be liable to a penalty not exceeding five pounds.

Penalty for misuser of water by tenants of one of several tenements in a row.

Miscellaneous.

24. In case any consumer of water supplied by the Undertakers leave the premises where such water has been supplied to him without paying to them the water rate or meter rent due from him, the Undertakers shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Incoming tenants not liable to pay arrears of water rates.

25. Any summons or warrant issued for any of the purposes of this Order may contain in the body thereof or in a schedule thereto several names and several sums.

Several names in one summons or warrant.

26. Any justice who issues a warrant of distress in pursuance of the provisions of this Order may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money, and such costs shall be ascertained by such justices, and shall be included in the warrant of distress for the recovery of such money.

Warrant of distress shall include costs.

27. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Order by reason of his being liable to the payment of any water rate or other charge under this Order.

Liability to water rate not to disqualify justice from acting.

28. Section one hundred and forty of "The Companies Clauses Consolidation Act, 1845," is hereby incorporated with this Order; provided that for the purpose of such incorporation the expression "the Company" shall be construed to mean "the Undertakers."

Incorporation of section 140 of Companies Clauses Consolidation Act, 1845.

29. Nothing in this Order contained shall alter, vary, or affect any contract or agreement duly made or any liability incurred before the passing of the Act confirming this Order by the Undertakers.

Saving of existing contracts, &c.

30. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

Costs of Order.

A.D. 1875.

NEWPORT (ISLE OF WIGHT) WATER.

Newport
(*I. of W.*)

Order empowering the Newport Carisbrooke Water Company (Limited), to maintain, construct, and continue waterworks, and to supply water in the parishes of Carisbrooke, St. Nicholas, Northwood, and Whippingham, in the Isle of Wight, and in the borough of Newport in that isle.

- Short title. 1. This Order may be cited as "The Newport (Isle of Wight) Water Order, 1875."
- Incorporation of Acts. 2. The provisions of "The Lands Clauses Acts" (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry on lands by the Promoters of the undertaking), and "The Waterworks Clauses Acts, 1847 and 1863," are hereby incorporated with this Order, except where the same are expressly varied by this Order. 10
- Interpretation. 3. The several words and expressions to which by the Acts in whole or in part incorporated with this Order, and by "The Gas and Water Works Facilities Act, 1870," meanings are assigned have in this Order the same respective meanings. 15
- Provided always, that the expression "superior court" or "court of competent jurisdiction" in any Act wholly or partially incorporated with this Order shall be read and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt, and not a debt or demand created by statute: 20
- The term "premises" in this Order shall mean and include any house, building, or land in, to, or through which water is supplied under the authority of this Order. 25
- Limits of Order. 4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parishes of Carisbrooke, St. Nicholas, Northwood, and Whippingham, and the borough of Newport, in the Isle of Wight.
- The expression "the low level district" shall mean such part of the limits of supply as is contained within the boundaries described in the Schedule (A.) to this Act annexed. 30
- The expression "the high level district" shall mean the remaining portion of the limits of supply.
- Undertakers. 35
- Undertakers. 5. The Newport Carisbrooke Water Company (Limited), shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."
- Capital. 6. The share capital of the Undertakers shall not exceed ten thousand pounds, unless the Undertakers shall be authorised to raise additional share capital by Provisional Order under "The Gas and Water Works Facilities Act, 1870, or by Act of Parliament. 40

7. The Undertakers may, by agreement, purchase and use such of the lands delineated on the plans deposited for the purposes of this Order as may be required for the undertaking authorised by this Order.

Newport
(*I. of W.*)
Undertakers may purchase lands by agreement.
Undertakers may acquire easements, &c. by agreement.

8. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may, if they think fit, subject to the provisions of the said Acts, grant to the Undertakers any easement, right, or privilege, not being an easement of water in, over, or affecting any such lands; and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants, or to such easements, rights, or privileges as aforesaid.

9. The Undertakers shall not hold more than five acres of land.

Undertakers to hold limited quantity of land only.

Waterworks.

10. The Undertakers may continue, maintain, and use their existing waterworks and works connected therewith, and may from time to time repair, alter, and enlarge the same, and they may, on lands now vested in them or acquired by them under this Order, make and maintain, in the lines and according to the levels shown on the plans and sections deposited for the purposes of this Order, the additional works thereon shown, with all needful pipes, culverts, cuts, drains, sluices, engines, pumps, filtering beds, weirs, meters, and other works connected therewith, and may from time to time repair, alter, and enlarge the same.

Power to continue existing, and construct additional, works.

11. The additional works authorised by this Order are as follows:

Description of works.

(1.) A pumping station in the parish of Carisbrooke, six hundred yards or thereabouts south-west of the mill known as West Mill:

(2.) A reservoir in the same parish, six hundred yards or thereabouts westward of that pumping station:

(3.) A conduit or line of pipes connecting that pumping station with that reservoir.

12. In constructing the additional works authorised by this Order the Undertakers may deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans; and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards or five feet downwards.

Limits of deviation.

13. The works authorised by this Order shall be completed within the time and subject to the conditions prescribed by section eleven of "The Gas and Water Works Facilities Act, 1870:" Provided always, that, subject to the restrictions and provisions of this Order, the Undertakers may from time to time alter, enlarge, and extend their engines, machinery, tanks, wells, pipes, reservoirs, and other works in such way and manner as may be requisite or advisable for supplying water within the limits of supply.

Time for completion of works.

14. If any difference arise between the Undertakers and any railway or other company whose land or works the Undertakers have power to cross under the authority of this Order, for the purposes of meeting the demands for water within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging their conduits or pipes, or the facilities to be afforded for the same, the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

As to pipe crossing the works of a railway or other company.

Newport
(*L. of W.*)
Order not to
extend powers
of abstracting
water from
streams.

Quality of
water.

15. Nothing contained in this Order shall authorise the Undertakers to abstract more water from any stream than they would have been authorised to abstract from such stream if this Order had not been made.

Quality of Water.

16. The water supplied by the Undertakers shall be as pure as, having regard to the source and nature of supply, circumstances will admit. 5

Supply.

Limits of pres-
sure.

17. The water to be supplied by the Undertakers in the low level district need not be constantly laid on under pressure.

Rates for
supply for
domestic
purposes.

18. The Undertakers shall, at the request of the owner or occupier of any dwelling-house, or part of a dwelling-house, situate within the low level district or the high level district, entitled under the provisions of this Order to demand a supply of water for domestic purposes (which shall include one watercloset), furnish to such owner or occupier a sufficient supply for such domestic purposes, at rates not exceeding the rates specified with respect to the low level district and the high level district in Part I. of the Schedule B. to this Order annexed. 10 15

Rates for
waterclosets
and baths.

19. In addition to the rates for the supply for domestic purposes, the Undertakers may demand and receive for every watercloset in any house beyond the first the yearly sum of five shillings, and for every watercloset supplied separately from any house or premises, and for every bath, any yearly sums not exceeding those respectively specified with respect to the low level district and the high level district in Part II. of Schedule B. to this Order annexed. 20

Power for
Undertakers to
make regu-
lations for
preventing
waste of water.

20. Subject to the provisions of this Order, the Undertakers may from time to time make and enforce such reasonable regulations as they may find expedient for preventing the waste or misuse of water, and, among other things, may prescribe the pipes, cocks, cisterns, and other apparatus proper and suitable for the purposes of supply. 25

Power for
Undertakers to
refuse supply
where regu-
lations not
complied with.

21. In the event of any such regulations not being observed by any person having or requiring a supply of water, the Undertakers may refuse to supply water, or may cut off the water supplied to him, unless and until the regulations be complied with; and if and whenever any difference shall arise as to whether the regulations are reasonable, or have been complied with, the difference may be referred by either party to and shall be settled by two justices. 30

Water supplied
by agreement.

22. The Undertakers may from time to time supply any person, corporation, or company with water for other than domestic purposes for such remuneration and upon such terms and conditions as shall be agreed upon between the Undertakers and such person, corporation, or company; but notwithstanding any such agreement no person, corporation, or company shall be entitled to such a supply whenever and as long as the Undertakers are of opinion that the same would interfere with the proper supply of water for domestic purposes under this Order; and every such agreement shall be, by virtue of this Order, determinable by the Undertakers on one month's notice in writing. 35 40

Supply of
water by
meter.

23. The Undertakers may, if they think fit, enter into agreements for the supply of water by measure to any consumer, and may charge a rent for each meter provided by them at a rate per annum not exceeding fifteen per cent. of 45

A.D. 1875.

Newport
(*I. of W.*)

Undertakers to
keep meters in
repair.

the price of the meter, such rent to be paid quarterly in advance, and to be recoverable in all respects with and as the water rate.

24. The Undertakers shall at all times, at their own expense, keep all meters or other instruments for measuring water, let by them for hire to any consumer, in proper order for correctly registering the supply of water; and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall for the purposes aforesaid have access to and be at liberty to remove, test, inspect, and replace any such meter or other instrument at all reasonable times.

25. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be *prima facie* evidence of the quantity of water consumed and in respect of which any water rent is charged and sought to be recovered by the Undertakers: Provided always, that if the Undertakers and the consumer differ as to the quantity consumed such difference shall be determined, upon the application of either party, by two justices, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of such justices shall be final and binding on all parties.

Register of
meters to be
evidence.

26. Section forty-four of "The Waterworks Clauses Act, 1847," shall, for the purposes of this Order, have effect as if the words "with the consent in writing of the owner or reputed owner of any such house, or of the agent of such owner," were omitted therefrom: Provided always, that any rent paid by an occupier in pursuance of the provisions of the said section may be deducted by such occupier from any rent from time to time due by him to such owner.

Amendment of
10 & 11 Vict.
c. 17. s. 44.

27. Where there are several tenements in a row, no tenant or occupier of any one of the tenements, nor any person on his behalf, shall take or use the water laid on by the Undertakers to any other such tenement, unless the tenant or occupier be in respect of the tenement so occupied by him rated under this Order for a supply of water.

Supply to
tenements in
a row.

Penalties.

28. If on any day the water supplied by the Undertakers is of less purity than it ought to be according to the provisions of this Order the Undertakers shall in every such case be liable to a penalty not exceeding ten pounds: Provided that, no penalty shall be incurred in any case in which it is proved that the defect in purity was occasioned by an unavoidable cause or accident.

Impurity of
water.

29. Every person who wilfully, fraudulently, or by culpable negligence injures, or suffers to be injured, any meter or fittings belonging to the Undertakers, or who fraudulently alters the index to any meter, or prevents any meter from duly registering the quantity of water supplied, or fraudulently abstracts, consumes, or uses water of the Undertakers, shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds, and the Undertakers may in addition thereto recover the amount of any damage by them sustained, and in any case in which any person has wilfully or fraudulently injured or suffered to be injured any pipe, meter, or fittings belonging to the Undertakers, or has fraudulently altered the

Injuring
meters.

A.D. 1875. index to any meter, or prevented any meter from duly registering the quantity of water supplied, the Undertakers may also, until the matter complained of has been remedied, but no longer, discontinue the supply of water to the person so offending (notwithstanding any contract previously existing); and the existence of artificial means for causing such injury, alteration, or prevention, or for abstracting, consuming, or using water of the Undertakers, when such pipe, meter, or fittings is or are under the custody or control of the consumer, shall be *prima facie* evidence that such injury, alteration, prevention, abstraction, or consumption, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such meter. 5 10

Misuser where supply to several houses is by a pipe common to all. 30. Any tenant or occupier of one or part of one of several houses supplied by a common pipe who takes or uses the water laid on by the Undertakers to any other such house, or allows the same to be used contrary to the provisions of this Order, shall for every such offence be liable to a penalty not exceeding five pounds. 15

Miscellaneous.

Incoming tenant not liable to pay arrears. 31. In case any consumer of water supplied by the Undertakers leave the premises where such water has been supplied to him without paying to them the water rate or meter rent due from him, the Undertakers shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears. 20

Several names in one summons. 32. Any summons or warrant issued for any of the purposes of this Order may contain, in the body thereof or in the schedule thereto, several names and several sums. 25

Warrant of distress to include costs. 33. Any justice who issues a warrant of distress in pursuance of the provisions of this Order may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money, and such costs shall be ascertained by the justice, and shall be included in the warrant of distress for the recovery of such money. 30

Liability to water rate not to disqualify justices from acting. 34. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Order by reason of his being liable to the payment of any water rate or other charge under this Order.

Saving of existing contracts. 35. Nothing in this Order contained shall alter, vary, or affect any contract or agreement duly made or any liability incurred before the passing of the Act confirming this Order with respect to the waterworks of or the supply of water by the Undertakers. 35

Incorporation of section 140 of "The Companies Clauses Act, 1845." 36. Section one hundred and forty of "The Companies Clauses Consolidation Act, 1845," shall be and is hereby incorporated with this Order; provided that, for the purposes of such incorporation the expression "the Company" in the said section shall mean the Undertakers. 40

Costs of Order. 37. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers. 45

A.D. 1875.

SCHEDULE A.

Newport
(*I. of W.*)

DEFINITION OF BOUNDARY OF LOW LEVEL DISTRICT.

The boundary commences at Westminster Mill, on the Lukely stream, and follows the southern side of this stream and the several millponds thereon until
5 it reaches the road leading to the railway station of the Cowes and Newport Railway. It then crosses the stream in a northerly direction for a short distance, and then turning to the east follows along the fence at the back of the houses called Little London. It then crosses the river Medina to and including a building known as the Bone Mill; it then turns southward along the boundary
10 of and including the gasworks, then follows along the road leading to the gasworks and, crossing the main road, includes the houses known as Coppins Bridge. After including the house on the south side of the bridge, the boundary turns to the westward to the west side of the river Medina or Pan Stream (as it is also called) and continues along the bank of the stream and millponds as
15 far as Pan Bridge, thence turning westward along the back of the house fronting South Street as far as Town Lane. It then turns northward along the backs of the houses fronting Town Lane and Church Place, crosses the High Street and continues northward along the backs of the houses fronting Holyrood Street to the junction with Lugley Street, then turns westward along
20 the back of the houses fronting Lugley Street to the junction with Chain Lane, then northward along the back of the houses fronting Chain Lane to the junction with Crocker Street, and then turns westward along the backs of the houses fronting Crocker Street and along the road being the continuation of Crocker Street to the Westminster Mill.

25.

SCHEDULE B.

PART I.

Rates for Supply for Domestic Purposes.		Low Level District.	High Level District.
		£ s. d.	£ s. d.
30	Where the annual value or rent of the house or part of a house or premises supplied shall not exceed six pounds, the yearly rate of	0 6 6	0 8 2
	Where the annual value or rent shall exceed six pounds and shall not exceed eight pounds, the yearly rate of	0 8 0	0 10 0
35	Where the annual value or rent shall exceed eight pounds but shall not exceed ten pounds, the yearly rate of	0 12 0	0 15 0
	Where the annual value or rent shall exceed ten pounds but shall not exceed fifteen pounds, the yearly rate of	0 16 0	1 0 0
40	Where the annual value or rent shall exceed fifteen pounds but shall not exceed twenty pounds, the yearly rate of	0 19 0	1 3 9

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A.D. 1875.

Newport
(I. of W.)

Rates for Supply for Domestic Purposes.	Low Level District.	High Level District.
	£ s. d.	£ s. d.
Where the annual value or rent shall exceed twenty pounds but shall not exceed twenty-five pounds, the yearly rate of -	1 2 0	1 7 6 5
Where the annual value or rent shall exceed twenty-five pounds but shall not exceed thirty pounds, the yearly rate of -	1 6 0	1 12 6
Where the annual value or rent shall exceed thirty pounds but shall not exceed thirty-five pounds, the yearly rate of -	1 8 0	1 15 0 10
Where the annual value or rent shall exceed thirty-five pounds but shall not exceed forty pounds, the yearly rate of -	1 12 0	2 0 0
Where the annual value or rent shall exceed forty pounds but shall not exceed forty-five pounds, the yearly rate of -	1 16 0	2 5 0 15
Where the annual value or rent shall exceed forty-five pounds but shall not exceed fifty pounds, the yearly rate of -	2 0 0	2 10 0
Where the annual value or rent shall exceed fifty pounds but shall not exceed fifty-five pounds, the yearly rate of -	2 3 0	2 13 9 20
Where the annual value or rent shall exceed fifty-five pounds but shall not exceed sixty pounds, the yearly rate of -	2 6 0	2 17 6
Where the annual value or rent shall exceed sixty pounds but shall not exceed sixty-five pounds, the yearly rate of -	2 9 0	3 1 3
Where the annual value or rent shall exceed sixty-five pounds but shall not exceed seventy pounds, the yearly rate of -	2 12 0	3 5 0 25
Where the annual value or rent shall exceed seventy pounds but shall not exceed seventy-five pounds, the yearly rate of -	2 15 0	3 8 9
Where the annual value or rent shall exceed seventy-five pounds but shall not exceed eighty pounds, the yearly rate of -	2 18 0	3 12 6 30
Where the annual value or rent shall exceed eighty pounds but shall not exceed one hundred pounds, the yearly rate of -	3 10 0	4 7 6
Where such annual value or rent shall exceed one hundred pounds, at a rate not exceeding, per centum, on the amount of such annual value or rent -	3 10 0	4 10 0 35

PART II.

Rates for Waterclosets and Baths.	Low Level District.	High Level District.
	£ s. d.	£ s. d.
For every watercloset supplied separately from any house or premises, any yearly sum not exceeding -	1 0 0	1 5 0
For every bath where the annual value or rent of the house or part of a house or premises supplied shall not exceed fifteen pounds, the yearly rate of -	0 5 0	0 6 3 45
For every bath where the annual value or rent shall exceed fifteen pounds but shall not exceed thirty pounds, the yearly rate of -	0 7 6	0 9 5
For every bath where the annual value or rent shall exceed thirty pounds, the yearly rate of -	0 10 0	0 12 6 50

A.D. 1875.

BRIDGEND (GLAMORGANSHIRE) GAS AND WATER.

Bridgend.

Order empowering the Bridgend (Glamorganshire) Gas and Water Company to raise Additional Capital.

1. This Order may be cited as "The Bridgend (Glamorganshire) Gas and Water Order, 1875." Short title.
2. The Bridgend (Glamorganshire) Gas and Water Act, 1869, (in this Order referred to as the Act of 1869,) and this Order shall be construed together, except so far as such construction would be inconsistent with or repugnant to the provisions of this Order. Construction of Order.
3. So far as the same relate to the powers conferred by this Order, the provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the several matters following; (that is to say,) Incorporation of Acts.
 - The distribution of the capital hereby authorised into shares;
 - The transfer or transmission of shares;
 - The payment of subscriptions, and the means of enforcing payment of calls;
 - The forfeiture of shares for nonpayment of calls;
 - The remedies of the creditors of the Company against the shareholders;
 - The consolidation of shares into stock;
 - The general meetings of the Company, and the exercise of the right of voting by the shareholders;
 - The making of dividends;
 - The borrowing of money by the Company on mortgage or bond;
 - The giving of notices, and the provisions for affording access to the special Act;
- and Part 1 (relating to cancellation and surrender of shares), and Part 2 (relating to additional capital), and Part 3 (relating to debenture stock) of "The Companies Clauses Act, 1863," "The Companies Clauses Act, 1869," "The Waterworks Clauses Acts, 1847, 1863," "The Gasworks Clauses Act, 1847," and "The Gasworks Clauses Act, 1871," are, except where expressly varied by this Order, incorporated with and form part of this Order.
- For the purpose of such incorporation, the term "special Act" in the said Acts shall be construed to mean this Order.
4. The Bridgend (Glamorganshire) Gas and Water Company, incorporated by the Act of 1869, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers." Undertakers.

Additional Capital.

5. In addition to the capital already authorised to be raised by the Undertakers, they may from time to time— Additional capital.
 1. Raise any further sums not exceeding in the whole eighteen thousand pounds, by the issue of new ordinary or preference shares, but not less

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A.D. 1875.

Bridgend.

than the full nominal amount of any such share shall be payable or paid in respect thereof; and

2. Borrow on mortgage, in respect of the additional capital of eighteen thousand pounds by this Order authorised to be raised by ordinary or preference shares, any sums not exceeding in the whole four thousand five hundred pounds; and the Undertakers may, as each sum of four thousand five hundred pounds of such additional capital has been issued and accepted and one half of the amount of each such sum has been paid up, borrow on mortgage, in respect of each such sum of four thousand five hundred pounds, any sum or sums not exceeding in the whole one thousand one hundred and twenty-five pounds; but in no case shall any part of the said respective sums be borrowed until the Undertakers shall have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that the whole of such capital in respect of which such borrowing powers are sought to be exercised has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued *bonâ fide*, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Undertakers, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Calls.

6. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Votes of proprietors.

7. The proprietors of any shares or stock to be created and issued under the authority of this Order shall be entitled to such number of votes in respect thereof as the nominal amount represented by such shares or stock would have entitled them to if the same had been original shares or stock of the Undertakers; and the proprietors of such new shares or stock shall, except as in this Order specially provided, be entitled to the same dividends and the same rights and privileges in all respects, and be subject to the same obligations and liabilities, as the proprietors of the original shares or stock of the Undertakers.

Priority of existing mortgages.

8. Every mortgage granted by the Undertakers under the authority of the Act of 1869 shall have priority over all mortgages and debenture stock granted and issued under this Order.

Power to create debenture stock.

9. The Undertakers may create and issue debenture stock instead of and to the same amount as the whole or any part of the money borrowed or authorised to be borrowed on mortgage by this Order.

10. The Undertakers shall not in any year make out of their profits any larger dividend on the additional share capital by this Order authorised to be raised than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid of such capital, or of any part thereof, as shall be issued as preference capital.

A.D. 1875.

Bridgend.

Limits of dividend on additional capital.

11. All moneys raised under this Order shall be applied to the purposes of the undertaking authorised by the Act of 1869.

Application of money.

12. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

Costs of Order.

Gas and Water Orders Confirmation. [H.L.]

A

B I L L

INTITLED

An Act for confirming certain Provisional Orders made by the Board of Trade under The Gas and Water Works Facilities Act, 1870, relating to Blackburn Gas, Brighton and Hove Gas, Littlehampton Gas, North Bierley Gas, Weymouth Gas, Wolverhampton Gas, Bognor Water, Newington Water, Newport (Isle of Wight) Water, and Bridgend (Glamorganshire) Gas and Water.

(*Brought from the Lords 28 June 1875.*)

*Ordered, by The House of Commons, to be Printed,
29 June 1876.*

[Bill 228.]

Under 50s.

[To be substituted for Bill
already delivered.]

[38 & 39 VICT.] *General Police and Improvement (Scotland)* 1
Provisional Order Confirmation. [H.L.]

A
B I L L

INTITLED

An Act for confirming a Provisional Order made under "The A.D. 1875.
General Police and Improvement (Scotland) Act, 1862,"
relating to the Burgh of Paisley in the county of Renfrew.

[Note.—*The words printed in red ink are proposed to be inserted
in Committee.*]

WHEREAS a provisional order made by one of Her Majesty's
Principal Secretaries of State, under "The General Police and
Improvement (Scotland) Act, 1862," is not of any validity unless
the same has been confirmed by Act of Parliament:

5 And whereas Her Majesty's Principal Secretary of State for the
Home Department has, under the said Act, duly made the pro-
visional order contained in the schedule annexed to this Act, and
it is expedient that the said order should be so confirmed:

Be it therefore enacted by the Queen's most Excellent Majesty,
10 by and with the advice and consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled, and
by the authority of the same, as follows:

1. The provisional order contained in the schedule annexed to
this Act is hereby confirmed, and all the provisions contained in
15 the said order shall, from and after the passing of this Act, have
the same validity and force as they would have if enacted in the
body of this Act. Provisional
order con-
firmed.

2. This Act may be cited as the "General Police and Improve- Short title.
ment (Scotland) Act, 1862, Orders Confirmation Act, 1875."

A.D. 1875.

THE SCHEDULE.

Provisional Order relating to the Burgh of Paisley, in the County of Renfrew.

PAISLEY BURGH SLAUGHTER-HOUSE.

GENERAL POLICE AND IMPROVEMENT (SCOTLAND) ACT, 1862.

5

(25 & 26 Vict. c. 101.)

WHEREAS by the General Police and Improvement (Scotland) Act, 1862, (herein-after called "the Act of 1862") it is inter alia provided (clause seventy-nine) that whenever it appears desirable to the magistrates and council or commissioners of police of any royal or parliamentary burgh, or to the 10 commissioners for executing that Act in any burgh, that provision should be made in order the better to apply and execute therein the provisions of the said Act in whole or in part, or for the future application and execution of any Acts in force therein having relation to the purposes of that Act, or to any other matter or thing connected with the management and administration 15 of the municipal or police affairs of such burgh, or that any such Acts or any exemptions from rating therefrom derived should be wholly or partially repealed or altered, the magistrates and council or the commissioners of such burgh may present a petition to one of Her Majesty's Principal Secretaries of State, praying for such provision, repeal, and alteration as aforesaid, or for any 20 of such things; and that, after such inquiry as the said Secretary of State may direct, it shall be lawful for him to issue a provisional order, under his hand and seal of office, in relation to the several things mentioned in such petition, either in accordance with the prayer thereof, or with such modifications or alterations as may appear to him to be requisite : 25

And whereas the powers and provisions of the Act of 1862 were adopted in whole in the parliamentary burgh of Paisley, in the county of Renfrew, by virtue of a resolution of a meeting of the householders in the said burgh, held under the provisions of that Act upon the twenty-fourth day of March one thousand eight hundred and sixty-four, and of a deliverance by the sheriff of 30 the said county following thereon, dated and recorded in the books of the said burgh on the twenty-sixth day of same month and year, and also recorded in the sheriff court books of the said county, at Paisley, on the second day of April following; and the provost, magistrates, and town council of the said burgh are under the said Act the Commissioners for carrying the same into 35 operation as regards such burgh :

And whereas the provost, magistrates, and town council of the said burgh, as the municipal corporation of that burgh, and also as commissioners of police thereof under the provisions of the Act of 1862, have presented a petition to me, as one of Her Majesty's Principal Secretaries of State, setting forth that 40

by part five, section thirteen (clauses three hundred and fifty-eight to three hundred and sixty-three inclusive) of that Act, it is inter alia provided that the Commissioners, acting for the purposes of that Act in any burgh by which it has been adopted, may provide and establish fit shambles or slaughter-houses for the purpose of slaughtering cattle, and for that purpose may borrow such sums of money as they shall find necessary, [on the security of the police assessment, and of the rates to be taken and levied for the use of such shambles and slaughter-houses, and of the shambles or slaughter-houses and ground on which the same are erected, or on any one or more thereof; and may demand and take, for the use of the said slaughter-houses, such reasonable rate or sum as may be agreed on between them and the persons using the same, or in case of difference as shall, upon the application of either party, and after seven days previous notice to the other party of such intended application, be fixed and determined by the sheriff of the county in manner provided by the said Act; and that it is also provided by that Act (clause one hundred and twenty-five) that such Commissioners may from time to time purchase any buildings or land, and may convert, repair, furnish, and fit up such buildings, or build on such land, for the purposes of the said Act; and further setting forth that at a very early date, and again in the year one thousand seven hundred and sixty-six, the petitioners' predecessors, the magistrates and town council of Paisley for the time, erected a flesh market and slaughter-house within the burgh, and that they and their successors in office have since levied, and are by immemorial custom entitled to levy, certain dues in respect of the use thereof and of animals slaughtered therein or exposed for sale within the burgh; as also that by the Act (Local) forty-six George the Third, chapter one hundred and sixteen (herein-after called "the Act of 1806"), section ninety-five, the magistrates and town council of the said burgh were authorised to make, and from time to time to alter, rules and orders for regulating the said slaughter-house, and it was provided that it should not be lawful for any person to sell within the burgh any fresh meat which had not been killed in the public slaughter-house, under a penalty not exceeding two pounds for each offence, besides the ordinary market dues of the meat so exposed; as also that upwards of forty years ago the then existing flesh market and slaughter-house were closed, and a new slaughter-house was erected by the then magistrates and town council of Paisley at considerable cost; and that since that time the area of the said new slaughter-house has been largely extended, and expensive additions to the buildings thereof have been made from time to time out of the funds of the corporation, and that the same has been used until now and is still used by the fleshers of Paisley for slaughtering cattle, on payment of the same dues as those previously paid for the former slaughter-house, with a trifling additional rate agreed to by them about ten years ago; as also that from the great increase of the burgh and its trade, the existing slaughter-house has become inadequate for its purpose, and a large and costly addition thereto is urgently needed; but that the customary dues leviable in respect thereof as aforesaid (which were fixed at a very early period), even with the additional rate above referred to, are quite insufficient to yield a reasonable return, even upon the money already

4 *General Police and Improvement (Scotland) [38 & 39 VICT.]*
 Provisional Order Confirmation.

A.D. 1875. expended, and are totally inadequate to afford any return upon the cost of the
 addition to the slaughter-house now required; and further setting forth that
 by the Act (Local) six and seven Victoria, chapter eighty-five (herein-after called
 "the Act of 1843"), the whole property, estate, and effects, heritable and
 moveable, real and personal, belonging to the burgh of Paisley (except as 5
 therein otherwise provided) were constituted a trust estate, for the security
 and payment of the then creditors of the said burgh, and were transferred to
 and vested in a board of trustees for such creditors thereby appointed; but it
 was provided that there should not be included in such trust estate, or vested
 in such trustees, any of the property, estate, or effects set forth in the schedule 10
 (A) to that Act annexed (including the customs or duties leviable on cows,
 calves, sheep, lambs, hogs, and other bestial slaughtered in the shambles of the
 burgh, and the said shambles themselves), which should continue to belong to
 and remain vested in the magistrates and council of the said burgh, and should
 be applied and enjoyed by them as theretofore, subject to a provision that any 15
 surplus of the annual revenue arising therefrom that might remain, after paying
 municipal expenses and accumulating a contingency fund as therein provided,
 should be paid over to the said board of trustees; as also that by the Paisley
35 & 36 Vict. Burgh and Cart Navigation Act, 1872 (herein-after called "the Act of 1872"),
(local) c. 32. the whole property, estate, and effects, heritable and moveable, real and personal, 20
 which were previously vested in the said board of trustees, were re-transferred
 to and vested in the said magistrates and council, and were charged with
 payment of the perpetual annuities and stipends therein mentioned; and the
 provisions of the Act of 1843, with reference to the said trust, including
 the aforesaid provision with respect to the disposal of the surplus of the 25
 annual revenue arising from the property not thereby transferred to the said
 board of trustees, were repealed; and it was further provided that the said
 magistrates and council might from time to time sell by public auction any
 part of the lands and heritages of the burgh, including the lands and heritages
 by that Act re-transferred to them, and that the lands and heritages so sold 30
 should thereupon be free from the charges by that Act imposed on them as
 aforesaid in security of the said perpetual annuities and stipends; and further
 setting forth that it is expedient that the existing slaughter-house of the said
 burgh should be transferred from the municipal corporation thereof to the
 commissioners for executing therein the Act of 1862, at such price as shall be 35
 ascertained to be the value of the said slaughter-house by a valuator appointed
 by the sheriff, upon the joint application of the said petitioners, or upon the
 application of either of the parties after notice to the other party; and that such
 transfer of the said slaughter-house should be held equivalent to a sale thereof
 under the aforesaid provision of the Act of 1872; that the said municipal corporation 40
 should be relieved of any obligation that may be incumbent on them to provide
 or maintain a slaughter-house; that section ninety-five of the Act of 1806 should
 be repealed; and that the said Commissioners should be authorised to purchase,
 hold, and maintain, and from time to time to enlarge and improve, the said
 slaughter-house, to levy such reasonable rates for the use thereof as may be 45
 agreed on or determined under the aforesaid provisions of the Act of 1862,

A.D. 1875

and from time to time to let the said rates by public roup or private bargain for such period not exceeding three years as they may think fit; and that the said Commissioners should also be authorised to borrow money for the purposes aforesaid, on the security of the police assessment leviable by them, and of
5 the said rates, and of the said slaughter-house, or on any of such securities, and to exercise all the other powers contained in part five, section thirteen, of the Act of 1862; and therefore praying that I should issue a provisional order for the purposes and to the effect herein-before mentioned, or with such modifications or alterations as might appear to me to be requisite :

10 And whereas, due inquiry having been directed and held in respect of the matters mentioned in the said petition, I have resolved to grant the prayer thereof:

Now therefore, in pursuance of the powers vested in me by the Act of 1862, I, as one of Her Majesty's Principal Secretaries of State, do by this Provisional
15 Order, under my hand and seal of office, direct that from and after the passing of any Act of Parliament confirming the same,—

1. As soon as conveniently may be after the passing of the Act of Parliament confirming this Provisional Order, the value of the existing slaughter-house of the burgh of Paisley (including the pertinents thereof and the ground on which
20 the same is erected), which now belongs to the provost, magistrates, and town council of that burgh as the municipal corporation thereof, shall be ascertained by a valuator appointed by the sheriff, upon the joint application of the said petitioners, or upon the application of either of the parties after notice to the other party, and a price equal to such value shall be paid into the funds of the
25 said municipal corporation by the said provost, magistrates, and town council, out of the funds in their hands as Commissioners for executing within the said burgh the provisions of the Act of 1862; and the receipt for such price, under the common seal of the said corporation, **and stamped with the ad valorem stamp duty applicable to a conveyance in consideration of such price,**
30 shall be recorded in the division of the general register of sasines applicable to the county of Renfrew, and also in the register of bookings for the burgh of Paisley.

2. Upon payment of such price **and recording of such receipt as aforesaid** the said slaughter-house (including as aforesaid) shall, by force of this Order
35 and of the said Act confirming the same, be vested in and shall thereafter belong to the said provost, magistrates, and town council as Commissioners for executing within the said burgh the provisions of the Act of 1862; and the said Commissioners may thenceforth hold and maintain, and from time to time thereafter enlarge and improve, the said slaughter-house, and may levy such reasonable
40 rates for the use thereof as may be agreed on or fixed and determined under the provisions of the Act of 1862, and may from time to time let the said rates by public roup or private bargain, for such period not exceeding three years as they may think fit; and may borrow such sums of money as may be necessary for payment of the said price, and for the other purposes aforesaid,
45 on the security of the police assessment leviable by them, and of the said rates to be levied for the use of the said slaughter-house, and of the said slaughter-

6 *General Police and Improvement (Scotland)* [38 & 39 VICT.]
Provisional Order Confirmation.

A.D. 1875. house (including as aforesaid), or on any of such securities; and may exercise
— all the other powers contained in part five, section thirteen, of the Act of 1862.

3. The transfer of the said slaughter-house from the said provost, magistrates, and town council of Paisley, as the municipal corporation of that burgh, to the said Commissioners, shall be held equivalent to a sale of the said slaughter-house (including as aforesaid) by the said provost, magistrates, and town council under the aforesaid provision of the Act of 1872; and from and after the vesting of the said slaughter-house in the said Commissioners as aforesaid, the said municipal corporation shall be free from any obligation that may have been previously incumbent on them to provide or maintain a slaughter-house in or for the said burgh, and section ninety-five of the Act of 1806 shall be repealed.

Given under my hand and seal at Whitehall, this second day of June one thousand eight hundred and seventy-five.

(L.S.) RICH'D. ASSHETON CROSS.

General Police and Improvement (Scotland) Provisional Order Confirmation. [H.L.]

A

BILL

INTITULED

An Act for confirming a Provisional Order made under "The General Police and Improvement (Scotland) Act, 1862," relating to the Burgh of Paisley in the county of Renfrew.

(Brought from the Lords 24 June 1875.)

Ordered, by The House of Commons, to be Printed,

28. June 1875.

[Bill 227.]—

Under 1 oz.

A

B I L L

TO

Enable limited Owners to grant or demise Lands for Glebes in Ireland. A.D. 1875.

WHEREAS it is expedient to extend the benefits of the “Leasing Powers Act for Religious Worship in Ireland, 1855,” to the late Established Church of Ireland, herein-after described as the “said Church:”

5 Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

10 1. This Act may be cited for all purposes as “The Leasing Powers Amendment Act for Religious Purposes in Ireland, 1875,” and this and the said before-mentioned Act of 1855 shall be read together as one Act. Short title.

2. The term “lessee” shall include the Representative Body of the said Church. Lessee.

15 3. The said Leasing Powers Act for Religious Worship in Ireland, 1855, shall, as hereby amended, be held and construed to extend to the said Church, and all the rights, powers, privileges, and liabilities in said Act contained in reference to congregations not belonging to the late Established Church of Ireland shall be deemed and held to apply and are hereby extended to the said Church, so far as the nature of the case may permit. Leasing Powers, &c. Act extended to Protestant Episcopal Church in Ireland.

4. All leases or grants made under or in pursuance of this Act for the said Church shall be made to the Representative Body of the said Church and their successors. Grants, &c. to be made to Representative Body.

25 5. This Act shall extend to Ireland only. Extent of Act.

Glebe Lands (Ireland).

A

B I L L

To enable limited Owners to grant or demise Lands for Glebes in Ireland.

(Prepared and brought in by
Mr. Mulholland, Mr. Bruen, and Viscount
Crickton.)

*Ordered, by The House of Commons, to be Printed,
8 February 1875.*

[Bill 23.]

Under 1 oz.

A

B I L L

TO

Enable certain Corporate Bodies to hold Land for Glebes in A.D. 1875.
Ireland.

WHEREAS by the Irish Church Act, 1869, it was, amongst other things, enacted that the union between the Churches of England and Ireland should be dissolved, and that the said Church of Ireland, in the said Act and herein-after referred to as the “said church,” should cease to be established by law :

And whereas in pursuance of the said Act Her Majesty was pleased to incorporate by Royal Charter the representative body of the said Church, under the name of the Representative Church Body :

And whereas it is expedient to extend to the said Church and the said Representative Church Body the same powers and privileges which are possessed by other religious bodies in Ireland in reference to the purchase, holding, and selling of land :

And whereas many clergymen in Ireland are prevented from obtaining suitable residences in consequence of not being able to enter into valid contracts whereby they may deprive themselves of the right to make claims under the Landlord and Tenant (Ireland) Act, 1870, and it is expedient to alter the law in that respect :

And whereas it is expedient to give to the said Representative Church Body the same right to recover compensation for malicious injuries to churches legally vested in them, which, before the passing of the said Church Act, was possessed by the Ecclesiastical Commissioners for Ireland :

Be it enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

[Bill 47.]

A

A.D. 1875.

Title of Act.

1. This Act may be cited for all purposes as "The Glebe Lands, Representative Church Body, Ireland, Act."

Power to invest funds in purchase, &c. of lands for manes, &c. not exceeding thirty acres for each church.

2. It shall be lawful for the said Representative Church Body to invest all moneys vested in them for that purpose in the absolute purchase, or in procuring leases or fee-farm grants subject to annual 5 or other rents, and with or without fines, of lands for the erection thereon of churches, or of glebes for the use of the clergymen of said church, or for schools or other buildings in connexion with said church buildings, or for other church purposes, the lands so to be purchased not to exceed thirty acres for each glebe, or to permit 10 such clergymen and congregations to occupy and use the same at such rent and upon such terms and conditions as the Representative Church Body shall think fit; and the Representative Church Body may execute all such deeds, grants, leases, or other documents as may be necessary for the purpose aforesaid. 15

Power to vest colleges, church buildings, &c. in trustees.

3. It shall be lawful for the trustees of any college, church building, schoolhouse, glebe, or other real property, whether freehold or chattel, or any personal property held in trust for the said church or any congregation in connexion therewith, or any person or persons in whom the same may be vested, if they or he 20 respectively shall think fit, to grant, assign, or otherwise vest in the said Representative Church Body, with their concurrence, such college, church building, schoolhouse, glebe, or other real property, whether freehold or chattel, or any personal property, to be held by the said Representative Church Body upon such trust and subject 25 to such rights as at the time of such grant, assignment, or vesting affected the same respectively, and the former trustees shall be thereupon released from the trusts thereof respectively.

Power to hold lands for colleges, &c.

4. It shall be lawful for any person whomsoever, entitled so to do, to give grant, devise, bequeath, or assure, by any deed, will, or 30 other instrument sufficient in law to create or convey an estate therein, any messuages, lands, hereditaments, or any estate therein, to the said Representative Church Body for any college, or for any church, glebe, building or schoolhouse in connexion with any congregation or church: Provided always, that under the provisions 35 aforesaid or otherwise not more than thirty acres shall be held in trust for any congregation, nor more than one hundred acres in trust for any college: Provided always, nevertheless, that any such gift, grant, bequest, or assurance of lands in excess of the acreage hereby authorised to be held as aforesaid shall be void as to the 40 excess only.

5. The said Representative Church Body may from time to time sell, lease, exchange, or otherwise dispose of, on such terms and in such manner as they think fit, or mortgage, any lands vested in them, and not being otherwise required for purposes of the said church or any of the colleges or congregations connected therewith, and may enter into, execute, and do all contracts, assurances, and things necessary or proper in that behalf; and every such sale or lease as aforesaid may be made either absolutely for a sum in money, or for any annual rent or rents, to be made payable as the said Representative Church Body direct, or partly for a sum of money and partly for such rent or rents as aforesaid, as the said Representative Church Body think fit, and the said Representative Church Body may afterwards sell any rent so to be made payable.
6. It shall be lawful for any ecclesiastical person to make and enter into a good and valid contract with any lessor for the occupation of any glebe house and lands, although by such contract such ecclesiastical person may be deprived of his right to make any claim under any of the sections or provisions of the Landlord and Tenant (Ireland) Act, 1870, any restriction or provision in the said Act to the contrary notwithstanding.
7. In section seventy-two of Act third and fourth William the Fourth, chapter thirty-seven, and section twenty of fourth and fifth William the Fourth, chapter ninety, the words "United Church of England and Ireland" shall be held and construed as applying to "the said Church" alone, and the said Acts shall be construed as if the words "Representative Church Body" had been and were substituted for the words "Ecclesiastical Commissioners," and the said sections of the said Acts so altered shall be and continue in full force and effect.
8. The term "glebe" in this Act shall mean and include any house, with the piece or parcel of land attached thereto, occupied or to be occupied by any ecclesiastical person while having spiritual charge of any parish or district to which such house and land shall have heretofore belonged, or for which it shall be or shall have been granted or purchased or required as a residence for such ecclesiastical person whilst having such spiritual charge; and the term "ecclesiastical person" shall mean and include any archbishop, bishop, and clergyman of the said church.

A.D. 1875.

Power to sell surplus lands.

Ecclesiastical persons can contract themselves out of Landlord and Tenant (Ireland) Act, 1870.

Amendment of Acts 3 & 4 W. 4. c. 37. s. 72. and 4 & 5 W. 4. c. 90. s. 20.

Glossary.

Application of Act.

Glebe Lands, Corporate Bodies (Ireland).

A

B I L L

To enable certain Corporate Bodies to
hold Land for Glebes in Ireland.

(Prepared and brought in by
Mr. Mulholland, Mr. Bruce, and
Viscount Crichton.)

*Ordered, by The House of Commons, to be Printed,
9 February 1876.*

[Bill 47.]

Under 1 oz.

A

B I L L

TO

Amend the Glebe Loan (Ireland) Amendment Act, 1871.

A.D. 1875.

WHEREAS by section fourteen of the Glebe Loan (Ireland) Amendment Act, 1871, it is provided that no loan under the provisions of the said Act or under the provisions of the Glebe Loan (Ireland) Act, 1870, should be made after the thirty-first day of 5 August in the year one thousand eight hundred and seventy-five; and it is expedient that the said section should be amended, and that the time during which loans under the said Acts may be made should be extended for a further limited period :

Be it therefore enacted by the Queen's most Excellent Majesty, 10 by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited for all purposes as "The Glebe Loan (Ireland) Amendment Act, 1875," and this Act and "The Glebe 15 Loan (Ireland) Acts, 1870 and 1871," may be cited together as "The Glebe Loan (Ireland) Acts, 1870 to 1875."

2. So much of the fourteenth section of "The Glebe Loan (Ireland) Amendment Act, 1871," as limits to the thirty-first day of August one thousand eight hundred and seventy-five the period 20 during which loans may be made under the said Acts is hereby repealed ; and loans may be made under "The Glebe Loan (Ireland) Act, 1870," and "The Glebe Loan (Ireland) Amendment Act, 1871," until but not after the thirty-first day of August in the year one thousand eight hundred and seventy-eight.

Section 14 of
The Glebe
Loan (Ire-
land)
Amendment
Act, 1871
repealed.

Glebe Loan (Ireland).

A

B I L L

To amend "The Glebe Loan (Ireland)
Amendment Act, 1871."

(Prepared and brought in by
Sir Michael Hicks Beach and
Mr. Solicitor General for Ireland.)

*Ordered, by The House of Commons, to be Printed,
13 May 1875.*

[Bill 176.]

Under 1 oz.

A

B I L L

TO

Repeal the Guarantee by Companies Act, 1867, and to make other provision in lieu thereof. A.D. 1875.

WHEREAS by the Guarantee by Companies Act, 1867, the heads of public departments were authorised to accept as security for persons required to give security for the due performance of the duties of an office or employment in the public service the guarantee of a company which complied with the conditions contained in that Act, and received a certificate from the Treasury as provided by that Act : 30 & 31 Vict.
c. 108.

And whereas it is expedient that the power of the Treasury to give such certificate to a company as is provided by the said Act should cease, and that the said Act should be repealed, and other provision made as herein-after mentioned :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The Guarantee by Companies Act, 1867, is hereby repealed, and every certificate granted by the Treasury to a company under that Act is hereby cancelled. Repeal of
30 & 31 Vict.
c. 108.
with saving.

Provided as follows :

(1.) Where the employer, as defined by that Act, has in pursuance thereof accepted the guarantee of any company as security for any person, such guarantee may continue to be received as security for such person, unless the employer in the exercise of his discretion requires some other security ; and,

(2.) Where a certificate has been given by the employer as mentioned in the said Act of the amount due in respect of any loss from the guarantor, such certificate shall continue to have the same effect as provided by the said Act ; and,

[Bill 188.]

- A.D. 1875. (3.) All rights and remedies vested in any company under section seven of the said Act shall continue to be so vested; and,
- (4.) Such remedy, and any investigation or legal proceeding in respect of any such right, loss, or remedy, may be had and 5 carried on in like manner as if this Act had not passed.

Power to dispense with security and to vary security.

2. Where a person holding any office or employment in the public service is required by law to give security for the due performance of the duties of such office or employment, the Treasury may from time to time, if they think fit, by warrant made upon 10 the representation of the head officer of the department in which such person serves, authorise that head officer, in such cases, under such circumstances, and upon such conditions as may be specified in the warrant, either to dispense with the obligation of such person to give security, or to vary the character of the 15 security, notwithstanding that the same may be prescribed by any Act or otherwise.

The Treasury may from time to time, by warrant made upon the like representation, revoke or vary any previous warrant made in pursuance of this section. 20

A warrant made in pursuance of this section may apply to any class of persons as well as to any single person.

Every warrant of the Treasury made in pursuance of this section shall be laid before both Houses of Parliament within one month after it is made, if Parliament be then sitting, or, if not, within one 25 month after the then next session of Parliament.

For the purposes of this section every person who is remunerated out of the Consolidated Fund, or out of moneys provided by Parliament, or out of fines or penalties, or other moneys which otherwise would be paid into the receipt of Her Majesty's Exchequer, 30 or out of other public revenue, or who holds any public office or employment under the Crown in respect of which he is entitled to fees, shall be deemed to hold an office or employment in the public service.

The expression "Treasury" in this Act means the Commissioners 35 of Her Majesty's Treasury.

Short title.

3. This Act may be cited as the Government Officers (Security) Act, 1875.

Government Officers (Security).

A

B I L L

To repeal the Guarantee by Companies
Act, 1867, and to make other provi-
sion in lieu thereof.

(Prepared and brought in by
Mr. William Henry Smith and
Mr. Chancellor of the Exchequer.)

*Ordered, by The House of Commons, to be Printed,
27 May 1875.*

[Bill 188.]

Under 1 oz.

